

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

EDWARD CARTER, FRANK FIORILLO,)
KEVIN LAMM, JOSEPH NOFI and)
THOMAS SNYDER,)
Plaintiffs,)
vs.) CV 07 1215
INCORPORATED VILLAGE OF OCEAN)
BEACH; MAYOR JOSEPH C. LOEFFLER)
JR., individually and in his)
Official capacity; former mayor)
NATALIE K. ROGERS, individually)
and in her official capacity,)
OCEAN BEACH POLICE DEPARTMENT;)
ACTING DEPUTY POLICE CHIEF)
GEORGE B. HESSE, individually)
and in his official capacity;)
SUFFOLK COUNTY; SUFFOLK COUNTY)
POLICE DEPARTMENT, SUFFOLK)
COUNTY DEPARTMENT OF CIVIL)
SERVICE; and ALLISON SANCHEZ,)
Individually and in her)
Official capacity,)
Defendants.)
-----)

VIDEOTAPED DEPOSITION OF ALLISON SANCHEZ
Hauppauge, New York
Wednesday, February 18, 2009

Reported by:
Philip Rizzuti
JOB NO. 20820

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<p>1</p> <p>2</p> <p>3</p> <p>4 February 18, 2008</p> <p>5 10:05 a.m.</p> <p>6</p> <p>7 Videotaped deposition of ALLISON</p> <p>8 SANCHEZ, held at the offices of</p> <p>9 Suffolk County Attorney, 100 Veteran's</p> <p>10 Highway, Hauppauge, New York, pursuant</p> <p>11 to subpoena, before Philip Rizzuti, a</p> <p>12 Notary Public of the State of New York</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>1</p> <p>2 A P P E A R A N C E S:</p> <p>3</p> <p>4 THOMPSON WIGDOR & GILLY, LLP</p> <p>5 Attorneys for Plaintiffs</p> <p>6 85 Fifth Avenue</p> <p>7 New York, New York 10003</p> <p>8 BY: ARIEL Y. GRAFF, ESQ.</p> <p>9</p> <p>10 MARKS, O'NEILL, O'BRIEN & COURTNEY, P.C.</p> <p>11 Attorneys for George B. Hesse</p> <p>12 530 Saw Mill River Road</p> <p>13 Elmsford, New York 10523</p> <p>14 BY: KEVIN W. CONNOLLY, ESQ.</p> <p>15</p> <p>16 RIVKIN RADLER, LLP</p> <p>17 Attorneys for Incorporated Village of</p> <p>18 Ocean Beach, Joseph Loeffler, Natalie</p> <p>19 Rogers and Ocean Beach Police Department</p> <p>20 926 RexCorp Plaza</p> <p>21 Uniondale, New York 11556-0926</p> <p>22 BY: KENNETH A. NOVIKOFF, ESQ.</p> <p>23</p> <p>24</p> <p>25</p>
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<p>1</p> <p>2 A P P E A R A N C E S:</p> <p>3</p> <p>4 BEE READY FISHBEIN HATTER & DONOVAN, LLP</p> <p>5 Attorneys for Village of Ocean Beach</p> <p>6 170 Old Country Road</p> <p>7 Mineola, New York 11501</p> <p>8 BY: KENNETH A. GRAY, ESQ.</p> <p>9</p> <p>10</p> <p>11 SUFFOLK COUNTY DEPARTMENT OF LAW</p> <p>12 H. Lee Dennison Building,</p> <p>13 6th floor</p> <p>14 100 Veterans Memorial Highway</p> <p>15 P.O. Box 6100</p> <p>16 Hauppauge, New York 11788-4311</p> <p>17 BY: ARLENE S. ZWILLING, ESQ.</p> <p>18</p> <p>19 ALSO PRESENT:</p> <p>20 KEVIN LAMM</p> <p>21 FRANK FIORILLO</p> <p>22 JORDAN MUMMERT, Videographer</p> <p>23</p> <p>24</p> <p>25</p>	<p>1</p> <p>2 IT IS HEREBY STIPULATED AND AGREED,</p> <p>3 by and between counsel for the respective</p> <p>4 parties hereto, that the filing, sealing and</p> <p>5 certification of the within deposition shall</p> <p>6 be and the same are hereby waived;</p> <p>7 IT IS FURTHER STIPULATED AND AGREED</p> <p>8 that all objections, except as to the form</p> <p>9 of the question, shall be reserved to the</p> <p>10 time of the trial;</p> <p>11 IT IS FURTHER STIPULATED AND AGREED</p> <p>12 that the within deposition may be signed</p> <p>13 before any Notary Public with the same force</p> <p>14 and effect as if signed and sworn to before</p> <p>15 the Court.</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>

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<p>1 Sanchez</p> <p>2 MR. GRAFF: Would you mark as</p> <p>3 Sanchez Exhibit 1, Civil Service Human</p> <p>4 Resources Organization Chart.</p> <p>5 (Sanchez Exhibit 1, Civil Service 09:56:47</p> <p>6 Human Resources Organization Chart,</p> <p>7 marked for identification, as of this</p> <p>8 date.)</p> <p>9 MR. GRAFF: Would you mark as</p> <p>10 Sanchez Exhibit 2, document headed Police 09:58:20</p> <p>11 Officer.</p> <p>12 (Sanchez Exhibit 2, document</p> <p>13 headed police officer, marked for</p> <p>14 identification, as of this date.)</p> <p>15 MR. GRAFF: Would mark as Sanchez 09:58:29</p> <p>16 Exhibit 3, document headed Sergeant</p> <p>17 (Police: Towns and Villages).</p> <p>18 (Sanchez Exhibit 3, document</p> <p>19 headed Sergeant (Police: Towns and</p> <p>20 Villages), marked for 09:58:39</p> <p>21 identification, as of this date.)</p> <p>22 MR. GRAFF: Would you mark as</p> <p>23 Sanchez Exhibit 4, document headed police</p> <p>24 officer, part-time seasonal.</p> <p>25 (Sanchez Exhibit 4, document 09:58:47</p>	<p>1 Sanchez</p> <p>2 headed police officer, part-time</p> <p>3 seasonal, marked for identification, as</p> <p>4 of this date.)</p> <p>5 THE VIDEOGRAPHER: This is the 10:05:26</p> <p>6 start of the tape labeled number 1 of the</p> <p>7 videotape deposition of Allison Sanchez,</p> <p>8 in the matter of Carter, Fiorillo versus</p> <p>9 the Incorporated Village of Ocean Beach.</p> <p>10 This deposition is being held at 100 10:05:46</p> <p>11 Veteran's Memorial Highway in Suffolk</p> <p>12 County, New York, on February 18, 2009 at</p> <p>13 approximately 10:05 a.m.</p> <p>14 My name of Jordan Mummert from TSG</p> <p>15 Reporting and I am the legal video 10:05:59</p> <p>16 specialist. The court reporter is Phil</p> <p>17 Rizzuti in association with TSG</p> <p>18 Reporting. Will counsel please introduce</p> <p>19 yourselves.</p> <p>20 MR. GRAFF: Ari Graff from the law 10:06:07</p> <p>21 firm of Thompson Wigdor & Gilly</p> <p>22 representing the plaintiffs in this</p> <p>23 action. Two of whom are in the room</p> <p>24 today Frank Fiorillo and Kevin Lamm.</p> <p>25 MS. ZWILLING: For the county 10:06:17</p>
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<p>1 Sanchez</p> <p>2 defendants and for the defendant witness</p> <p>3 Allison Sanchez I am Arlene Zwilling for</p> <p>4 Christine Malali Suffolk County Attorney.</p> <p>5 MR. NOVIKOFF: For all of the 10:06:27</p> <p>6 Village defendants except for defendant</p> <p>7 Hesse, Ken Novikoff, Rivkin Radler, LLP.</p> <p>8 MR. CONNOLLY: For defendant</p> <p>9 George B. Hesse, Kevin W. Connolly of</p> <p>10 Marks, O'Neil, O'Brien & Courtney. 10:06:36</p> <p>11 THE VIDEOGRAPHER: Will the court</p> <p>12 reporter please swear in the witness.</p> <p>13 A L L I S O N S A N C H E Z, called as a</p> <p>14 witness, having been duly sworn by a</p> <p>15 Notary Public, was examined and 10:06:41</p> <p>16 testified as follows:</p> <p>17 EXAMINATION BY</p> <p>18 MR. GRAFF:</p> <p>19 MR. NOVIKOFF: Regular</p> <p>20 stipulations? 10:06:57</p> <p>21 MR. GRAFF: Yeah, this deposition</p> <p>22 will be governed by the Federal Rules of</p> <p>23 Civil Procedure and the local civil rules</p> <p>24 for the Eastern District of New York.</p> <p>25 MS. ZWILLING: I would assume you 10:07:02</p>	<p>1 Sanchez</p> <p>2 would want to ask me if that was</p> <p>3 acceptable. It is, but...</p> <p>4 MR. NOVIKOFF: Yes. I thought it</p> <p>5 was a bit presumptuous, but that is okay. 10:07:10</p> <p>6 MR. GRAFF: This is a deposition</p> <p>7 conducted in Federal Court under the</p> <p>8 Federal Rules. Is that acceptable?</p> <p>9 MS. ZWILLING: Yes.</p> <p>10 MR. GRAFF: Okay. Thank you. 10:07:20</p> <p>11 Q. Could you please state your name</p> <p>12 for the record.</p> <p>13 A. Allison Sanchez.</p> <p>14 Q. Ms. Sanchez, do you understand</p> <p>15 that you are testifying under oath today and 10:07:31</p> <p>16 that you are obligated to tell the truth?</p> <p>17 MR. NOVIKOFF: She just swore to</p> <p>18 the oath.</p> <p>19 A. I am.</p> <p>20 Q. Have you ever testified under oath 10:07:42</p> <p>21 before?</p> <p>22 A. Yes.</p> <p>23 Q. And on how many occasions would</p> <p>24 you estimate that you testified under oath</p> <p>25 before? 10:07:51</p>

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<p>1 Sanchez</p> <p>2 A. When.</p> <p>3 Q. When was that?</p> <p>4 A. I think 1980.</p> <p>5 Q. Do you recall whether you 10:07:59</p> <p>6 testified in a deposition or in a trial?</p> <p>7 A. No, I did not.</p> <p>8 Q. In what context did you give sworn</p> <p>9 testimony?</p> <p>10 A. There was a kid in my neighborhood 10:08:08</p> <p>11 that was accused of flashing other kids.</p> <p>12 Q. Were you a witness in that case?</p> <p>13 A. Yes.</p> <p>14 Q. Before we get into some of the</p> <p>15 substantive questions I just wanted to go over 10:08:23</p> <p>16 some of the general protocols that we usually</p> <p>17 follow in depositions to make sure that we are</p> <p>18 on the same page going forward and facilitate</p> <p>19 communication today.</p> <p>20 As you can see there is a court 10:08:35</p> <p>21 reporter who is taking down every word that is</p> <p>22 said. It is important so that there will be a</p> <p>23 clear record that all of your answers be</p> <p>24 communicated orally because the court reporter</p> <p>25 obviously can't record a gesture or nod. 10:08:46</p>	<p>1 Sanchez</p> <p>2 Do you understand that?</p> <p>3 A. Yes.</p> <p>4 MR. NOVIKOFF: I am sure</p> <p>5 Ms. Zwilling has gone over with her 10:08:52</p> <p>6 client the protocols involved in a</p> <p>7 deposition. I think you should just move</p> <p>8 into it.</p> <p>9 MR. GRAFF: Mr. Novikoff, your</p> <p>10 opinions on these matters are only going 10:09:03</p> <p>11 to protract the duration of the</p> <p>12 deposition. I would ask that to the</p> <p>13 extent that there is an objection that</p> <p>14 you have that is not made by Ms. Zwilling</p> <p>15 you can certainly state it. But 10:09:15</p> <p>16 otherwise please do not disrupt this</p> <p>17 deposition.</p> <p>18 MR. NOVIKOFF: I will do what I</p> <p>19 believe is appropriate Mr. Graff.</p> <p>20 MR. GRAFF: I would hope that you 10:09:21</p> <p>21 would agree that it is not appropriate to</p> <p>22 interrupt this deposition.</p> <p>23 MR. NOVIKOFF: I tend not to agree</p> <p>24 with anything that you say.</p> <p>25 Q. Ms. Sanchez, if at any point you 10:09:27</p>
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<p>1 Sanchez</p> <p>2 don't hear a question or don't understand a</p> <p>3 question that I have asked just let me know</p> <p>4 and I will rephrase it or clarify it in a way</p> <p>5 that you can understand it. Okay? 10:09:40</p> <p>6 A. Okay.</p> <p>7 Q. But if you don't tell me that you</p> <p>8 didn't understand the question I will not be</p> <p>9 able to know that and I will assume that you</p> <p>10 understood it. So it is important just to 10:09:50</p> <p>11 clarify for me when I ask the question if</p> <p>12 there is any confusion about what I am asking.</p> <p>13 MR. NOVIKOFF: I object to that</p> <p>14 instruction. Whether or not your</p> <p>15 question is confusion there is no 10:10:00</p> <p>16 assumption -- there should be no</p> <p>17 assumption if the witness doesn't tell</p> <p>18 you it is confusing, that she is</p> <p>19 objecting or she is confused. That</p> <p>20 doesn't mean that there should be a 10:10:13</p> <p>21 presumption that she is not otherwise</p> <p>22 confused. That is why there is counsel</p> <p>23 here to raise the appropriate objections</p> <p>24 as to form.</p> <p>25 MR. GRAFF: The alternative would 10:10:19</p>	<p>1 Sanchez</p> <p>2 be that after every question I ask her</p> <p>3 whether she understood the question.</p> <p>4 That certainly is going to protract the</p> <p>5 day -- 10:10:30</p> <p>6 MS. ZWILLING: Not to mention I</p> <p>7 wouldn't permit that to happen. Why</p> <p>8 don't we move forward and ask the</p> <p>9 questions.</p> <p>10 MR. NOVIKOFF: Exactly. 10:10:33</p> <p>11 Q. If at any point you would like to</p> <p>12 take a break you are free to do that, just let</p> <p>13 me know. I only ask that if there is a</p> <p>14 question pending that you first answer the</p> <p>15 question before taking a break. 10:10:44</p> <p>16 Have you consumed any alcoholic</p> <p>17 beverages in the last 24 hours?</p> <p>18 A. No.</p> <p>19 Q. Are you taking any medications or</p> <p>20 drugs that could affect your ability to 10:10:55</p> <p>21 testify truthfully today?</p> <p>22 A. No.</p> <p>23 Q. Are you taking any medications or</p> <p>24 drugs that could affect your ability to</p> <p>25 testify completely today? 10:11:02</p>

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<p>1 Sanchez</p> <p>2 A. No.</p> <p>3 Q. Are you feeling sick at all today?</p> <p>4 A. No.</p> <p>5 MR. NOVIKOFF: Objection. 10:11:08</p> <p>6 Q. Is there any reason you can think</p> <p>7 of why you would not be able to answer my</p> <p>8 questions fully and truthfully today?</p> <p>9 MR. NOVIKOFF: Objection. She</p> <p>10 doesn't know what the questions are yet. 10:11:17</p> <p>11 A. I don't know what the questions</p> <p>12 are yet.</p> <p>13 Q. Are there any categories of</p> <p>14 questions that you are concerned you might not</p> <p>15 be able to answer truthfully? 10:11:32</p> <p>16 MS. ZWILLING: Objection. That is</p> <p>17 absolutely improper.</p> <p>18 MR. NOVIKOFF: And your question</p> <p>19 was.</p> <p>20 MR. GRAFF: It was fully and 10:11:41</p> <p>21 truthfully.</p> <p>22 MR. NOVIKOFF: Okay, I view fully</p> <p>23 and completely as the same.</p> <p>24 Q. Ms. Sanchez, are you represented</p> <p>25 by an attorney in connection with this 10:11:47</p>	<p>1 Sanchez</p> <p>2 deposition?</p> <p>3 MS. ZWILLING: She is a defendant</p> <p>4 in this case and we have appeared on her</p> <p>5 behalf. 10:11:53</p> <p>6 MR. GRAFF: My question,</p> <p>7 Ms. Zwilling, was directed to witness.</p> <p>8 MS. ZWILLING: Considering that my</p> <p>9 office has formally appeared on her</p> <p>10 behalf and has litigated the case against 10:12:01</p> <p>11 Ms. Sanchez since the inception, your</p> <p>12 question is not proper.</p> <p>13 MR. NOVIKOFF: Ari, I know this is</p> <p>14 in the first page of the first chapter of</p> <p>15 how to take a deposition, but common. 10:12:11</p> <p>16 MR. GRAFF: There are a number of</p> <p>17 Suffolk County defendants, I just wanted</p> <p>18 to clarify --</p> <p>19 MS. ZWILLING: We have formally</p> <p>20 appeared for Ms. Sanchez since the time 10:12:20</p> <p>21 we interposed her answer.</p> <p>22 Q. Ms. Sanchez, are you currently an</p> <p>23 employee of Suffolk County?</p> <p>24 A.. Yes, I am.</p> <p>25 Q. And what is your current position? 10:12:27</p>
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<p>1 Sanchez</p> <p>2 A. Probation officer.</p> <p>3 Q. When did you first learn that the</p> <p>4 plaintiffs in this case were making</p> <p>5 allegations against Ocean Beach and Suffolk 10:12:41</p> <p>6 County and others?</p> <p>7 MR. NOVIKOFF: Objection as to</p> <p>8 form on multiple levels.</p> <p>9 A. I don't remember exactly.</p> <p>10 Q. Do you recall whether you have 10:12:52</p> <p>11 seen a copy of the complaint filed in Federal</p> <p>12 court in this action?</p> <p>13 A. Yes.</p> <p>14 Q. And did you see a copy of the</p> <p>15 complaint? 10:13:02</p> <p>16 A. Yes.</p> <p>17 Q. Have you -- were you aware that</p> <p>18 the plaintiffs have filed a lawsuit before you</p> <p>19 read the complaint?</p> <p>20 MR. NOVIKOFF: Objection. That 10:13:16</p> <p>21 seems to be a legal impossibility since a</p> <p>22 complaint being filed starts a lawsuit.</p> <p>23 But I am going to object to the form. Go</p> <p>24 ahead. Sorry.</p> <p>25 A. Could you repeat that. 10:13:30</p>	<p>1 Sanchez</p> <p>2 Q. Sure. When you read the complaint</p> <p>3 were you already aware of the lawsuit that had</p> <p>4 been filed?</p> <p>5 MS. ZWILLING: Objection. You can 10:13:37</p> <p>6 answer if the question makes sense to</p> <p>7 you.</p> <p>8 A. It doesn't make sense to me so I</p> <p>9 can't really answer that question.</p> <p>10 Q. How did you first come to learn 10:13:44</p> <p>11 that the plaintiffs had filed a lawsuit</p> <p>12 against Ocean Beach, Suffolk County and</p> <p>13 others?</p> <p>14 A. I don't recall how I first learned</p> <p>15 about it. 10:13:56</p> <p>16 Q. Have you discussed this lawsuit</p> <p>17 with anyone other than your counsel?</p> <p>18 A. No.</p> <p>19 Q. Have you discussed the lawsuit</p> <p>20 with defendant George B. Hesse? 10:14:12</p> <p>21 MR. NOVIKOFF: As opposed to when</p> <p>22 she answered no, she had not discussed</p> <p>23 with anybody. I object.</p> <p>24 MR. GRAFF: If you want to object</p> <p>25 to the question you certainly can. The 10:14:24</p>

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<p>1 Sanchez</p> <p>2 deposition will continue and your</p> <p>3 commentary is unnecessary and disruptive.</p> <p>4 MR. NOVIKOFF: I will object to</p> <p>5 the form of the question. 10:14:30</p> <p>6 Q. Just to clarify specifically, have</p> <p>7 you spoken to George Hesse about this</p> <p>8 deposition?</p> <p>9 A. No.</p> <p>10 Q. Have you spoken to current mayor 10:14:36</p> <p>11 of Ocean Beach Loeffler about this deposition?</p> <p>12 A. I have not spoken to anyone about</p> <p>13 this lawsuit.</p> <p>14 Q. What about the fact that you are</p> <p>15 hear today testifying, have you discussed that 10:14:48</p> <p>16 with anyone other than your counsel?</p> <p>17 A. I advised my supervisor.</p> <p>18 Q. Who is your current supervisor?</p> <p>19 A. Michael Thompson.</p> <p>20 Q. What is his position? 10:15:00</p> <p>21 A. Supervising probation officer.</p> <p>22 Although I did not advise him about the</p> <p>23 lawsuit, I advised him that I was here for a</p> <p>24 deposition, which I didn't give him details.</p> <p>25 DI Q. Thank you for that clarification. 10:15:16</p>	<p>1 Sanchez</p> <p>2 Could you state your present</p> <p>3 address for the record?</p> <p>4 MS. ZWILLING: Objection. She is</p> <p>5 a defendant in this case. She is 10:15:22</p> <p>6 represented by counsel, and you can</p> <p>7 communicate, the plaintiffs can</p> <p>8 communicate with her through counsel.</p> <p>9 MR. GRAFF: Are you going to</p> <p>10 instruct the witness not to identify her 10:15:30</p> <p>11 address?</p> <p>12 MS. ZWILLING: Yes.</p> <p>13 MR. NOVIKOFF: I join. I think</p> <p>14 given the rash of identity thefts and all</p> <p>15 the other issues that are out there. 10:15:39</p> <p>16 MS. ZWILLING: She is also a</p> <p>17 probation officer.</p> <p>18 MR. NOVIKOFF: Exactly.</p> <p>19 MR. GRAFF: Okay. Mr. Novikoff, I</p> <p>20 will note again, depositions by -- 10:15:48</p> <p>21 objections by one party inures to the</p> <p>22 benefit of all parties. So your</p> <p>23 objection was redundant and your</p> <p>24 commentary was again disruptive.</p> <p>25 MR. NOVIKOFF: Thanks for the 10:16:02</p>
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<p>1 Sanchez</p> <p>2 lesson.</p> <p>3 Q. Ms. Sanchez, have you ever been</p> <p>4 convicted of a crime?</p> <p>5 A. No. 10:16:06</p> <p>6 Q. Have you ever been married?</p> <p>7 A. Yes.</p> <p>8 Q. Are you currently married?</p> <p>9 A. Yes.</p> <p>10 Q. And what is the name of your 10:16:19</p> <p>11 spouse, please?</p> <p>12 A. Lisa Sanchez.</p> <p>13 Q. When did you and Lisa Sanchez</p> <p>14 marry?</p> <p>15 A. June 2007. 10:16:32</p> <p>16 Q. Other than Lisa Sanchez have you</p> <p>17 been married to anyone else?</p> <p>18 A. No.</p> <p>19 Q. Do you have any children?</p> <p>20 A. No. 10:16:45</p> <p>21 Q. I have a couple of questions going</p> <p>22 just to educational background. Did you</p> <p>23 graduate high school?</p> <p>24 A. Yes.</p> <p>25 Q. What high school did you attend? 10:16:53</p>	<p>1 Sanchez</p> <p>2 A. Graduated from Longwood High</p> <p>3 School.</p> <p>4 Q. What year did you graduate?</p> <p>5 A. 1988. 10:17:01</p> <p>6 Q. And did you attend college at all?</p> <p>7 A. Yes.</p> <p>8 Q. What college did you attend?</p> <p>9 A. Stony Brook University.</p> <p>10 Q. Did you attain a degree at Stony 10:17:13</p> <p>11 Brook University?</p> <p>12 A. Yes.</p> <p>13 Q. In what field is your degree?</p> <p>14 A. Psychology.</p> <p>15 Q. Was that a Bachelor's degree? 10:17:20</p> <p>16 A. Yes.</p> <p>17 Q. When did you earn that Bachelor's</p> <p>18 degree?</p> <p>19 A. 1992.</p> <p>20 Q. And other than the BA at Stony 10:17:26</p> <p>21 Brook have you attended college or university</p> <p>22 for any other degrees?</p> <p>23 A. No.</p> <p>24 Q. Have you taken any other formal</p> <p>25 course work at a college or university? 10:17:38</p>

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<p>1 Sanchez</p> <p>2 A. No.</p> <p>3 Q. Do you have any certifications</p> <p>4 outside of university context?</p> <p>5 MR. NOVIKOFF: Objection.. 10:17:50</p> <p>6 A. No.</p> <p>7 Q. And when did you start working as</p> <p>8 a probation officer?</p> <p>9 A. April 2007.</p> <p>10 Q. And how did you go about applying 10:18:09</p> <p>11 for the position of probation officer in April</p> <p>12 of 2007?</p> <p>13 MR. NOVIKOFF: Objection.</p> <p>14 A. I submitted an application.</p> <p>15 Q. And is the position of probation 10:18:22</p> <p>16 officer a Civil Service position?</p> <p>17 A. It is.</p> <p>18 Q. What Civil Service classification</p> <p>19 does that have?</p> <p>20 A. That is not a clear question. 10:18:33</p> <p>21 Q. Is it a competitive position?</p> <p>22 A. Yes.</p> <p>23 Q. What requirements if any did you</p> <p>24 need to satisfy to attain the position of</p> <p>25 probation officer? 10:18:49</p>	<p>1 Sanchez</p> <p>2 A. I took a test.</p> <p>3 Q. Is that a written test?</p> <p>4 A. Initially.</p> <p>5 Q. Other than the written test what 10:18:55</p> <p>6 else if anything did you have to do to get</p> <p>7 that position?</p> <p>8 A. I had to take a physical, a</p> <p>9 medical, psychological.</p> <p>10 Q. Anything else? 10:19:05</p> <p>11 A. No.</p> <p>12 Q. How long did the process of</p> <p>13 satisfying those requirements take?</p> <p>14 A. A couple of weeks.</p> <p>15 Q. Were you able to start working as 10:19:23</p> <p>16 a probation officer until you had -- prior to</p> <p>17 the time that you had completed those</p> <p>18 requirements?</p> <p>19 MR. NOVIKOFF: Objection.</p> <p>20 Q. That is did you have to do all of 10:19:34</p> <p>21 those things, the written test, the physical,</p> <p>22 the psychological before the first day that</p> <p>23 you could start work as a probation officer?</p> <p>24 A. I was not hired until I completed</p> <p>25 all of my qualifying exams. 10:19:45</p>
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<p>1 Sanchez</p> <p>2 Q. Thank you.</p> <p>3 Prior to working as a probation</p> <p>4 officer what if any employment did you have</p> <p>5 that is immediately prior to becoming a 10:19:56</p> <p>6 probation officer?</p> <p>7 MR. NOVIKOFF: You mean the day</p> <p>8 before she became --</p> <p>9 Q. The most recent job you had prior</p> <p>10 to that? 10:20:03</p> <p>11 A. I was a personnel analyst.</p> <p>12 Q. Where were you a personnel</p> <p>13 analyst?</p> <p>14 A. In the Department of Civil</p> <p>15 Service. 10:20:12</p> <p>16 Q. In what county?</p> <p>17 A. Suffolk County.</p> <p>18 Q. From what date to what date did</p> <p>19 you work as a personnel analyst in Suffolk</p> <p>20 County? 10:20:22</p> <p>21 A. December '02 until April '07.</p> <p>22 Q. And during the period that you</p> <p>23 worked as a personnel analyst did you hold any</p> <p>24 other employment positions?</p> <p>25 MR. NOVIKOFF: Objection. 10:20:39</p>	<p>1 Sanchez</p> <p>2 A. No.</p> <p>3 Q. And after concluding your</p> <p>4 employment as a personnel analyst other than</p> <p>5 your work as a probation officer have you had 10:20:48</p> <p>6 any other employment?</p> <p>7 A. No.</p> <p>8 Q. So am I correct in understanding</p> <p>9 that from December '02 until the present you</p> <p>10 had two jobs, probation officer and personnel 10:21:00</p> <p>11 analyst?</p> <p>12 MR. NOVIKOFF: Objection.</p> <p>13 A. Yes.</p> <p>14 Q. Thank you.</p> <p>15 What are your current duties as a 10:21:06</p> <p>16 probation officer?</p> <p>17 A. I supervise convicted criminals in</p> <p>18 the community.</p> <p>19 Q. And is there a particular</p> <p>20 community or geographic area that your 10:21:26</p> <p>21 responsibilities encompass?</p> <p>22 A. I am assigned to Manorville and</p> <p>23 Riverhead.</p> <p>24 Q. Have you been assigned to any</p> <p>25 other areas since becoming a probation 10:21:37</p>

<p style="text-align: right;">Page 26</p> <p>1 Sanchez 2 officer? 3 A. Yes. South shore between 4 Patchogue and Westhampton. 5 Q. As a personnel analyst what were 10:21:49 6 your duties? 7 A. To review personnel transactions 8 that were submitted by my assigned 9 jurisdictions to make sure that they were in 10 compliance with Civil Service Law with regards 10:22:07 11 to hiring and maintaining personnel. 12 Q. And were there -- was there a 13 particular geographic area that you were 14 responsible for that was your jurisdiction 15 when you were a personnel analyst? 10:22:25 16 A. I had about thirteen jurisdictions 17 that were assigned to me. So I don't remember 18 all of them. 19 Q. Were those thirteen jurisdictions 20 contiguous, were they all touching on the map 10:22:39 21 or spread out? 22 A. No, they were spread out. 23 Q. Were they all in Suffolk County? 24 A. Of course. 25 Q. How did you go about attaining a 10:22:47</p>	<p style="text-align: right;">Page 27</p> <p>1 Sanchez 2 position of personnel analyst? 3 A. I filled out an application. I 4 took a test. 5 Q. Was that a written test that you 10:23:01 6 are referring to? 7 A. Yes, initially. 8 Q. And other than that written test 9 and the application what if anything did you 10 need to do to get the position of personnel 10:23:13 11 analyst? 12 A. I submitted to an oral exam as 13 well and I submitted a writing sample. 14 Q. And what subjects did the oral 15 exam cover? 10:23:25 16 MS. ZWILLING: Off the record. 17 THE VIDEOGRAPHER: The time is 18 10:23, we are off the record. 19 (Recess taken.) 20 THE VIDEOGRAPHER: The time is 10:24:16 21 10:24, we are on the record. 22 Q. We just went off very briefly 23 while Mr. Gray entered the room. 24 Could the court reporter read back 25 my last question before we went off the 10:24:29</p>
<p style="text-align: right;">Page 28</p> <p>1 Sanchez 2 record, please. 3 (Record read.) 4 A. I don't recall subjects. They 5 just asked me questions with regards to how I 10:24:49 6 would handle certain situations. 7 Q. And was the oral exam something 8 that there were materials to study in 9 preparation for? 10 A. No. 10:25:02 11 Q. And just going back, you have been 12 doing very well so far, since the court 13 reporter is trying to take down a clean 14 transcript it is important that you let me 15 finish the question before giving your answer 10:25:14 16 just so the record is clear today. 17 So other than the oral exam and 18 the application what other requirements if any 19 did you need to satisfy to become a personnel 20 analyst? 10:25:35 21 A. I had to have a Bachelor's degree 22 in order to qualify to take the exam. 23 Q. Was the written exam that you had 24 to take, was that something that there were 25 materials that you had to study in preparation 10:25:47</p>	<p style="text-align: right;">Page 29</p> <p>1 Sanchez 2 for? 3 A. No. 4 Q. Do you recall what the nature of 5 the materials listed on this written exam was? 10:25:51 6 A. No. 7 Q. How long did the process of 8 satisfying the requirements for the personnel 9 analyst position take? 10 MR. NOVIKOFF: Exclusive of her 10:26:05 11 four years in college to get a Bachelor's 12 degree since that was one of the 13 requirements necessary to be appointed to 14 that position? 15 MR. GRAFF: Yes, exclusive of 10:26:13 16 that. 17 A. No other conditions. I needed to 18 have a Bachelor's degree in order to qualify 19 to take the test. 20 Q. How long did the process of taking 10:26:22 21 the test and the oral exams, how long did that 22 actually take from when you first initiated 23 your application until you had satisfied all 24 the requirements for the position? 25 MS. ZWILLING: Are you asking how 10:26:33</p>

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<p>1 Sanchez</p> <p>2 long a period of time elapsed between</p> <p>3 when she submitted her application and</p> <p>4 when she was hired?</p> <p>5 MR. GRAFF: When she was eligible 10:26:41</p> <p>6 to begin working.</p> <p>7 A. I am still not understanding what</p> <p>8 you are asking. From when I took the test or</p> <p>9 from when I applied for the job or from when</p> <p>10 they scored the test; you need to be more 10:26:52</p> <p>11 specific.</p> <p>12 Q. From when you took the first step</p> <p>13 to initiate your application?</p> <p>14 A. Filled out an application; I don't</p> <p>15 even remember when I submitted the 10:27:01</p> <p>16 application.</p> <p>17 Q. Was it -- can you recall if it was</p> <p>18 a period of months?</p> <p>19 A. Months.</p> <p>20 DI Q. During your work as a probation 10:27:12</p> <p>21 officer have there been any complaints made</p> <p>22 against you personally?</p> <p>23 MS. ZWILLING: Objection. Civil</p> <p>24 Rights Law Section 50-A, relevance and</p> <p>25 materiality. 10:27:32</p>	<p>1 Sanchez</p> <p>2 MR. NOVIKOFF: I got to go with</p> <p>3 her on that one.</p> <p>4 MR. GRAFF: I am not completely</p> <p>5 clear on your objection. Would you be 10:27:42</p> <p>6 able to add to that at all?</p> <p>7 MS. ZWILLING: My client's history</p> <p>8 as a peace officer subsequent to the</p> <p>9 incidents involved in this case in which</p> <p>10 she has not placed her post incident 10:27:57</p> <p>11 fitness for employment in issue is not a</p> <p>12 subject that you can inquire into.</p> <p>13 MR. NOVIKOFF: I join in</p> <p>14 completely and fully.</p> <p>15 MR. GRAFF: Okay, again that is a 10:28:09</p> <p>16 redundant statement. So really the</p> <p>17 clarification, are you going to instruct</p> <p>18 the witness not to answer?</p> <p>19 MS. ZWILLING: At this time, yes.</p> <p>20 MR. GRAFF: If we can mark the 10:28:19</p> <p>21 transcript at that point.</p> <p>22 Q. Ms. Sanchez, during your work as a</p> <p>23 personnel analyst were any complaints made</p> <p>24 against you personally that you are aware of?</p> <p>25 MR. NOVIKOFF: Objection. 10:28:30</p>
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<p>1 Sanchez</p> <p>2 MS. ZWILLING: What are you</p> <p>3 referring to the complaint; is it that</p> <p>4 she wasted too much paper in the copy</p> <p>5 machine, or she took five minutes too 10:28:36</p> <p>6 long for lunch. You are talking about a</p> <p>7 formal complaint from a citizen?</p> <p>8 Q. Let's clarify by complaints, by</p> <p>9 non-employees. So not your supervisors, but</p> <p>10 citizens. 10:28:49</p> <p>11 MS. ZWILLING: That she is aware</p> <p>12 of?</p> <p>13 MR. GRAFF: That was part of my</p> <p>14 original question, yes.</p> <p>15 MR. NOVIKOFF: Well then again why 10:28:56</p> <p>16 would non-employees have any relevance to</p> <p>17 this lawsuit; you mean non-employees of</p> <p>18 Suffolk County or non-employees of the</p> <p>19 Civil Service Department.</p> <p>20 MR. GRAFF: People outside of her 10:29:05</p> <p>21 own office in the Civil Service</p> <p>22 Department.</p> <p>23 MR. NOVIKOFF: You mean Suffolk</p> <p>24 County employees but not those within her</p> <p>25 own office? 10:29:12</p>	<p>1 Sanchez</p> <p>2 MS. ZWILLING: I am not --</p> <p>3 Q. Let me try again.</p> <p>4 Ms. Sanchez, were any formal</p> <p>5 complaints brought against you during your 10:29:21</p> <p>6 service as a personnel analyst that you are</p> <p>7 aware of?</p> <p>8 MR. NOVIKOFF: Objection. What is</p> <p>9 formal?</p> <p>10 MR. GRAFF: That was 10:29:32</p> <p>11 Ms. Zwilling's suggestion --</p> <p>12 MS. ZWILLING: Are you asking her</p> <p>13 if she was served with disciplinary</p> <p>14 charges?</p> <p>15 MR. GRAFF: Why don't we focus 10:29:37</p> <p>16 first on the disciplinary charges.</p> <p>17 MS. ZWILLING: That is fine.</p> <p>18 Q. Were you subject to any sort of</p> <p>19 discipline during--</p> <p>20 MS. ZWILLING: Are you asking her 10:29:47</p> <p>21 about discipline or disciplinary charges;</p> <p>22 discipline can be don't make any personal</p> <p>23 phone calls. Disciplinary charges is a</p> <p>24 formalized matter.</p> <p>25 Q. Ms. Sanchez, do you understand, do 10:29:57</p>

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<p>1 Sanchez</p> <p>2 you have an understanding of what Ms. Zwilling</p> <p>3 is referring to by disciplinary charges?</p> <p>4 A. I am not a hundred percent sure.</p> <p>5 Q. Okay. Do you have an 10:30:07</p> <p>6 understanding of what discipline would be in</p> <p>7 the work context?</p> <p>8 MR. NOVIKOFF: Objection. What</p> <p>9 work context?</p> <p>10 Q. In the workplace. 10:30:20</p> <p>11 MR. NOVIKOFF: Her workplace,</p> <p>12 universal workplace?</p> <p>13 Q. To your understanding were you</p> <p>14 subject to disciplinary action during your</p> <p>15 employment as a personnel analyst? 10:30:29</p> <p>16 MR. NOVIKOFF: Objection.</p> <p>17 MS. ZWILLING: Are you asking if</p> <p>18 she was subjected to disciplinary</p> <p>19 proceedings pursuant to Civil Service</p> <p>20 Law, and I am asking you to clarify 10:30:42</p> <p>21 because that has a very specific meaning,</p> <p>22 it has a very specific context. If that</p> <p>23 is what you want to know I don't have an</p> <p>24 objection to your question. But I would</p> <p>25 like it clear for the record so that 10:30:48</p>	<p>1 Sanchez</p> <p>2 there is no discrepancy between what you</p> <p>3 intend to ask and what the witness</p> <p>4 intends to answer.</p> <p>5 Q. Sure. Ms. Sanchez, do you have an 10:30:57</p> <p>6 understanding of what disciplinary proceedings</p> <p>7 under the Civil Service Law refers to?</p> <p>8 A. Yes.</p> <p>9 DI Q. Could you explain what that means?</p> <p>10 MS. ZWILLING: I object to the 10:31:05</p> <p>11 question. If you want to ask her whether</p> <p>12 she was subject to formal disciplinary</p> <p>13 proceedings, that is fine. But she is</p> <p>14 not here to pontificate on Civil Service</p> <p>15 Law and she is not an attorney. 10:31:17</p> <p>16 MR. NOVIKOFF: Nor is she an</p> <p>17 expert in it, so I object as well.</p> <p>18 MR. GRAFF: Just as you don't want</p> <p>19 there to be confusion as to what was</p> <p>20 asked and what the witness was answering, 10:31:26</p> <p>21 I just want to make sure that I</p> <p>22 understand what the witness --</p> <p>23 MS. ZWILLING: She told you she</p> <p>24 understands. You are not entitled to her</p> <p>25 personal explanation of Civil Service 10:31:33</p>
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<p>1 Sanchez</p> <p>2 Law. She told you she understands. Ask</p> <p>3 her if she was the subject of any formal</p> <p>4 disciplinary proceedings.</p> <p>5 MR. GRAFF: Okay. Ms. Zwilling, 10:31:41</p> <p>6 are you not going to allow the witness to</p> <p>7 answer the last question posed?</p> <p>8 MS. ZWILLING: I will not allow</p> <p>9 her to give some sort of interpretation</p> <p>10 of Civil Service Law, but I want to 10:31:49</p> <p>11 clarify, I have absolutely no objection</p> <p>12 to your asking her if she was subject to</p> <p>13 any Civil Service disciplinary</p> <p>14 proceedings in her position.</p> <p>15 MR. NOVIKOFF: Adopt that as your 10:32:00</p> <p>16 question.</p> <p>17 MR. GRAFF: Mr. Novikoff, your</p> <p>18 commentary serves no purpose.</p> <p>19 MR. NOVIKOFF: I am trying to help</p> <p>20 you out, Ari. Adopt Ms. Zwilling's 10:32:09</p> <p>21 question.</p> <p>22 MR. GRAFF: We can mark the record</p> <p>23 and I will ask Ms. Sanchez.</p> <p>24 Q. Have you been subject to any Civil</p> <p>25 Service -- were you during your employment as 10:32:17</p>	<p>1 Sanchez</p> <p>2 a personnel analyst subject to any Civil</p> <p>3 Service disciplinary proceedings?</p> <p>4 A. No.</p> <p>5 Q. Did you receive any performance 10:32:26</p> <p>6 reviews during your employment as a personnel</p> <p>7 analyst?</p> <p>8 MR. NOVIKOFF: Objection. That is</p> <p>9 very broad in scope. Performance can be</p> <p>10 a good job yesterday. 10:32:40</p> <p>11 Q. Did you receive any formal</p> <p>12 performance reviews from your supervisors?</p> <p>13 MS. ZWILLING: You mean as in</p> <p>14 written?</p> <p>15 Q. Written? 10:32:50</p> <p>16 MR. NOVIKOFF: Objection.</p> <p>17 A. No.</p> <p>18 MR. NOVIKOFF: No foundation.</p> <p>19 Q. During your employment as a</p> <p>20 personnel analyst who was your supervisor? 10:33:03</p> <p>21 A. My direct supervisor was Phil</p> <p>22 Cohen.</p> <p>23 Q. Was he your direct supervisor</p> <p>24 during the entire period of your employment as</p> <p>25 a personnel analyst? 10:33:14</p>

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<p>1 Sanchez</p> <p>2 A. Yes.</p> <p>3 Q. What position did Mr. Cohen hold?</p> <p>4 A. Principal personnel analyst.</p> <p>5 Q. And were there other personnel 10:33:28</p> <p>6 analysts who to your knowledge also reported</p> <p>7 to Mr. Cohen?</p> <p>8 A. Yes.</p> <p>9 Q. How many personnel analysts were</p> <p>10 there who reported to Mr. Cohen as far as you 10:33:40</p> <p>11 know?</p> <p>12 A. I think five.</p> <p>13 Q. Prior to working as a personnel</p> <p>14 analyst were you employed in any capacity?</p> <p>15 MR. NOVIKOFF: Objection, how far 10:34:20</p> <p>16 back; was she a newspaper delivery girl,</p> <p>17 did she sell knishes at the mall?</p> <p>18 Q. Subsequent to obtaining your BA</p> <p>19 were you employed in any capacity subsequent</p> <p>20 to obtaining the BA prior to working as a 10:34:34</p> <p>21 personnel analyst?</p> <p>22 A. Yes.</p> <p>23 Q. What position did you hold</p> <p>24 immediately prior to personnel analyst?</p> <p>25 A. Implementation coordinator. 10:34:45</p>	<p>1 Sanchez</p> <p>2 Q. Who was your employer in that</p> <p>3 capacity?</p> <p>4 A. FMS. Financial Medical Systems.</p> <p>5 Q. Is that a private company? 10:35:08</p> <p>6 A. Uh-hum.</p> <p>7 Q. During what period of time were</p> <p>8 you an implementation coordinator at Financial</p> <p>9 Medical Systems?</p> <p>10 A. I had that title I believe for 10:35:26</p> <p>11 about a year.</p> <p>12 Q. And what position if any did you</p> <p>13 hold immediately prior to being implementation</p> <p>14 coordinator?</p> <p>15 A. Billing supervisor. 10:35:41</p> <p>16 Q. Was that also for FMS?</p> <p>17 A. Yes.</p> <p>18 Q. How long did you hold that</p> <p>19 position of billing supervisor?</p> <p>20 A. Two or three years. 10:35:52</p> <p>21 Q. What position if any did you hold</p> <p>22 prior, immediately prior to billing</p> <p>23 supervisor?</p> <p>24 A. Billing supervisor in another</p> <p>25 facility. 10:36:05</p>
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<p>1 Sanchez</p> <p>2 Q. Another FMS facility?</p> <p>3 A. No. Another doctor's office.</p> <p>4 Q. How long did you hold the billing</p> <p>5 supervisor position at another doctor's 10:36:13</p> <p>6 office.</p> <p>7 A.. I don't remember. I had a number</p> <p>8 of different jobs in the sale field for about</p> <p>9 a ten year period.</p> <p>10 Q. Prior to working as a billing 10:36:28</p> <p>11 supervisor for FMS were you employed at any</p> <p>12 time by any government agency or entity?</p> <p>13 A. No.</p> <p>14 Q. Have you ever been demoted from</p> <p>15 any position? 10:36:49</p> <p>16 MR. NOVIKOFF: Ever in her life or</p> <p>17 after she got a BA?</p> <p>18 MR. GRAFF: Ever.</p> <p>19 MR. NOVIKOFF: Okay. Employment</p> <p>20 position, school position? 10:36:58</p> <p>21 A. No.</p> <p>22 MR. NOVIKOFF: Just note my</p> <p>23 objection.</p> <p>24 Q. Have you ever been terminated from</p> <p>25 any employment position? 10:37:09</p>	<p>1 Sanchez</p> <p>2 A. Yes.</p> <p>3 Q. And were you terminated from more</p> <p>4 than one employment position?</p> <p>5 A. Yes. 10:37:20</p> <p>6 Q. What was the most recent position</p> <p>7 that you held that you were terminated at?</p> <p>8 A. It was a doctor's office, I don't</p> <p>9 remember the name, it was I think -- it was in</p> <p>10 Nassau County in 1998. 10:38:03</p> <p>11 Q. Do you recall why you were</p> <p>12 terminated from that position?</p> <p>13 MS. ZWILLING: Objection. If she</p> <p>14 knows.</p> <p>15 MR. NOVIKOFF: I join in. 10:38:14</p> <p>16 A. I believe they were just</p> <p>17 dissatisfied with the accounts receivable that</p> <p>18 I was responsible for.</p> <p>19 Q. Do you recall whether there was</p> <p>20 any specific basis for their dissatisfaction? 10:38:31</p> <p>21 MR. NOVIKOFF: Objection. How</p> <p>22 would she know?</p> <p>23 Q. That was communicated to you in</p> <p>24 the context of your termination?</p> <p>25 A. Not necessarily. But that was the 10:38:43</p>

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<p>1 Sanchez</p> <p>2 reason. I was responsible for accounts</p> <p>3 receivable and they were unhappy with the</p> <p>4 accounts receivable.</p> <p>5 Q. Prior to that termination what was 10:38:57</p> <p>6 the most recent termination prior to that</p> <p>7 position that you were just talking about?</p> <p>8 MS. ZWILLING: Objection.</p> <p>9 MR. NOVIKOFF: Objection to form.</p> <p>10 A. Mary Haven 1990 I think it was, 10:39:10</p> <p>11 1989.</p> <p>12 Q. What position did you hold at that</p> <p>13 time?</p> <p>14 A. I don't recall the exact title.</p> <p>15 It was like a counselor to the mentally 10:39:51</p> <p>16 disabled.</p> <p>17 Q. Were you given a reason for your</p> <p>18 termination from that position?</p> <p>19 A. Yes.</p> <p>20 Q. What reason was given to you? 10:39:59</p> <p>21 A. I had obtained a promotional</p> <p>22 position in a different area of the same</p> <p>23 company, and being unaware of the need to give</p> <p>24 a two week notice to my prior position, I</p> <p>25 didn't give a long enough notice of 10:40:25</p>	<p>1 Sanchez</p> <p>2 termination from my current position. So as a</p> <p>3 result they terminated me for not giving</p> <p>4 enough notice.</p> <p>5 Q. And when you say promotional 10:40:38</p> <p>6 position, you mean that that was a position</p> <p>7 that was a promotion from the position that</p> <p>8 you held?</p> <p>9 A. Uh-hum.</p> <p>10 Q. Okay. Is your current position as 10:40:47</p> <p>11 a probation officer, is that a law enforcement</p> <p>12 position?</p> <p>13 A. It is.</p> <p>14 Q.. What aspects of law enforcement</p> <p>15 are you responsible for as a probation 10:41:00</p> <p>16 officer?</p> <p>17 MS. ZWILLING: It is defined by</p> <p>18 the Criminal Procedure Law.</p> <p>19 MR. NOVIKOFF: Objection. She is</p> <p>20 not an expert. It calls for a legal 10:41:08</p> <p>21 conclusion.</p> <p>22 MS. ZWILLING: It calls for a</p> <p>23 legal conclusion. Police officers and</p> <p>24 peace officers of all sorts are as</p> <p>25 defined in the Criminal Procedure Law. 10:41:23</p>
Page 44	Page 45
<p>1 Sanchez</p> <p>2 Q. Do you have the power to arrest</p> <p>3 people in your current position as a probation</p> <p>4 officer?</p> <p>5 A. Yes. 10:41:38</p> <p>6 Q. And can you arrest persons for</p> <p>7 committing any crime, or are there specific</p> <p>8 categories of crime?</p> <p>9 MS. ZWILLING: Objection. This</p> <p>10 has absolutely nothing to do with this 10:41:50</p> <p>11 case. We have given you plenty of</p> <p>12 latitude to go into relevant background,</p> <p>13 but this is not background, it relates to</p> <p>14 subsequent matters having no bearing on</p> <p>15 the issues in the case. 10:42:05</p> <p>16 MR. NOVIKOFF: I fully agree.</p> <p>17 MR. GRAFF: Okay. So will you</p> <p>18 allow that testimony to continue subject</p> <p>19 to your objection?</p> <p>20 MS. ZWILLING: I would expect that 10:42:11</p> <p>21 you would move on to a relevant area of</p> <p>22 inquiry and utilize efficiently the time</p> <p>23 that you have.</p> <p>24 DI Q. Do you have general arrest powers</p> <p>25 as a probation officer or are there limited 10:42:21</p>	<p>1 Sanchez</p> <p>2 categories of crimes that you can arrest</p> <p>3 people for?</p> <p>4 MR. NOVIKOFF: Objection.</p> <p>5 MS. ZWILLING: Objection. These 10:42:42</p> <p>6 are subsequent incidents. The witness is</p> <p>7 not an expert.</p> <p>8 MR. NOVIKOFF: If you want --</p> <p>9 MS. ZWILLING: She is not going to</p> <p>10 give you conclusions of law. 10:42:52</p> <p>11 MR. NOVIKOFF: I think you want to</p> <p>12 call the judge on this.</p> <p>13 MS. ZWILLING: This is getting</p> <p>14 really far afield. I am going to ask you</p> <p>15 to move on to an area concerning the 10:42:59</p> <p>16 allegations in the case, because we have</p> <p>17 not heard any questions yet directed so</p> <p>18 the conspiracy claim made by your</p> <p>19 clients.</p> <p>20 MR. GRAFF: Okay, I will move on 10:43:09</p> <p>21 from here, if you can mark the transcript</p> <p>22 on this point.</p> <p>23 Q. Ms. Sanchez, for any of the</p> <p>24 positions that you have held with Suffolk</p> <p>25 County were you ever required to take a 10:43:26</p>

<p style="text-align: right;">Page 46</p> <p>1 Sanchez</p> <p>2 polygraph exam as a qualification for that</p> <p>3 position?</p> <p>4 A. No.</p> <p>5 Q. If I could I ask you to please 10:43:35</p> <p>6 take a look at a document that has been marked</p> <p>7 as Sanchez Exhibit 1, it was produced to us by</p> <p>8 the County without Bates number.</p> <p>9 Ms. Sanchez, does your position</p> <p>10 as -- does the position that you held as 10:44:09</p> <p>11 personnel analyst appear on the organizational</p> <p>12 chart that was marked as Sanchez 1?</p> <p>13 MR. NOVIKOFF: Let the record</p> <p>14 reflect that the document says what it</p> <p>15 says. If you are asking her if the 10:44:24</p> <p>16 direct title that you are asking her is</p> <p>17 on this document, clearly the document</p> <p>18 would speak for itself.</p> <p>19 MS. ZWILLING: I think we can all</p> <p>20 agree that her title does not appear on 10:44:31</p> <p>21 this document.</p> <p>22 MR. GRAFF: Perhaps it had another</p> <p>23 title in the context of this document.</p> <p>24 MS. ZWILLING: That wasn't your</p> <p>25 question. 10:44:40</p>	<p style="text-align: right;">Page 47</p> <p>1 Sanchez</p> <p>2 MR. NOVIKOFF: That wasn't your</p> <p>3 question. I mean the appropriate</p> <p>4 question would be would your duties and</p> <p>5 responsibilities fit with any of the 10:44:49</p> <p>6 seven boxes on the bottom line.</p> <p>7 Q. Do any of the seven boxes on the</p> <p>8 bottom line reflect your responsibilities and</p> <p>9 duties as a personnel analyst?</p> <p>10 A. Yes. 10:45:06</p> <p>11 Q. Which of those numbered boxes</p> <p>12 specifically?</p> <p>13 A. Classification.</p> <p>14 Q. And your direct supervisor in that</p> <p>15 position, Mr. Cohen, was he -- did he hold the 10:45:20</p> <p>16 position that is identified on this chart as</p> <p>17 personnel director?</p> <p>18 A. No.</p> <p>19 Q. So there was another -- was</p> <p>20 personnel director to your knowledge a senior 10:45:32</p> <p>21 position to your direct supervisor's position?</p> <p>22 MR. NOVIKOFF: Objection.</p> <p>23 A. Yes.</p> <p>24 Q. So between the step on the bottom</p> <p>25 line of the organization chart classification 10:45:53</p>
<p style="text-align: right;">Page 48</p> <p>1 Sanchez</p> <p>2 and the next level up, personnel director,</p> <p>3 there is another level that would reflect your</p> <p>4 supervisor's position?</p> <p>5 A. Yes. 10:46:03</p> <p>6 Q. Thank you. We can put aside</p> <p>7 Exhibit 1.</p> <p>8 MR. NOVIKOFF: Okay. Is there a</p> <p>9 garbage?</p> <p>10 MS. ZWILLING: There should be one 10:46:21</p> <p>11 somewhere.</p> <p>12 Q. When you indicated that your</p> <p>13 duties as a personnel analyst included</p> <p>14 ensuring compliance in hiring and maintenance</p> <p>15 of employees -- 10:46:30</p> <p>16 MS. ZWILLING: Objection. I do</p> <p>17 not believe the witness stated that her</p> <p>18 duties include compliance with respect to</p> <p>19 hiring.</p> <p>20 Q. Okay. To clarify did I misstate 10:46:38</p> <p>21 your testimony there; did your duties include</p> <p>22 ensuring compliance with respect to hiring</p> <p>23 employees in your jurisdictions?</p> <p>24 MR. NOVIKOFF: Objection. Is that</p> <p>25 a question; is the question did you 10:46:54</p>	<p style="text-align: right;">Page 49</p> <p>1 Sanchez</p> <p>2 misstate her testify or is the question</p> <p>3 what her duties are?</p> <p>4 MS. ZWILLING: Why don't you ask</p> <p>5 her if she hires and fires. 10:47:02</p> <p>6 MR. GRAFF: I am referring back to</p> <p>7 an earlier point in the testimony, I</p> <p>8 don't want to re-ask the question, but I</p> <p>9 can do that.</p> <p>10 MR. NOVIKOFF: Well then you 10:47:10</p> <p>11 should take better notes or re-ask the</p> <p>12 same question and we will object on the</p> <p>13 basis of form. But it is improper to ask</p> <p>14 the witness to comment on whether you</p> <p>15 have mischaracterized her testimony or 10:47:19</p> <p>16 not.</p> <p>17 MR. GRAFF: Okay.</p> <p>18 Q. Can you identify again your duties</p> <p>19 as personnel analyst, please?</p> <p>20 MR. NOVIKOFF: Objection. 10:47:28</p> <p>21 A. I was to make sure that the</p> <p>22 jurisdictions followed Civil Service Law with</p> <p>23 regards to their hiring practices as it</p> <p>24 pertained to the Civil Service Law. So they</p> <p>25 would report their personnel transactions and 10:47:48</p>

<p style="text-align: right;">Page 50</p> <p>1 Sanchez</p> <p>2 I would confirm that they were following the</p> <p>3 guidelines as written in Civil Service Law.</p> <p>4 Q. How did you come to learn about</p> <p>5 the guidelines of Civil Service Law; was there 10:48:03</p> <p>6 formal instruction in that area?</p> <p>7 MR. NOVIKOFF: Objection.</p> <p>8 Compound.</p> <p>9 MS. ZWILLING: Why don't you</p> <p>10 choose which of the questions you are 10:48:14</p> <p>11 asking her.</p> <p>12 Q. How did you come to learn the</p> <p>13 Civil Service guidelines that were applicable</p> <p>14 to your duties as a personnel analyst?</p> <p>15 A. On-the-job training after I was 10:48:27</p> <p>16 hired.</p> <p>17 Q. And was any of that formal</p> <p>18 instructional training?</p> <p>19 A. Can you define formal?</p> <p>20 Q. Lectures? 10:48:39</p> <p>21 A. No lectures.</p> <p>22 MR. NOVIKOFF: Objection.</p> <p>23 Q. Were there any written materials</p> <p>24 for you to study to become familiar with those</p> <p>25 guidelines? 10:48:47</p>	<p style="text-align: right;">Page 51</p> <p>1 Sanchez</p> <p>2 MS. ZWILLING: Are you asking if</p> <p>3 the guidelines are written?</p> <p>4 MR. GRAFF: I am asking if there</p> <p>5 is -- 10:48:53</p> <p>6 MS. ZWILLING: I mean the Civil</p> <p>7 Service Law is a written guideline and we</p> <p>8 all know where to find that volume in</p> <p>9 McKinney's.</p> <p>10 Q. Let me clarify that. 10:49:06</p> <p>11 Were the guidelines that you</p> <p>12 followed the actual Civil Service Law itself?</p> <p>13 MR. NOVIKOFF: Would you consider</p> <p>14 regulations that were adopted in</p> <p>15 compliance with Civil Service Law, Civil 10:49:14</p> <p>16 Service Laws themselves.</p> <p>17 MR. GRAFF: Yes.</p> <p>18 A. Yes. I was instructed to read the</p> <p>19 Civil Service Law.</p> <p>20 Q. And was the Incorporated Village 10:49:28</p> <p>21 of Ocean Beach one of your jurisdictions</p> <p>22 during your work as a personnel analyst?</p> <p>23 A. Yes.</p> <p>24 Q. And was Ocean Beach one of your</p> <p>25 jurisdictions throughout the period of your 10:49:44</p>
<p style="text-align: right;">Page 52</p> <p>1 Sanchez</p> <p>2 employment as a personnel analyst?</p> <p>3 A. Yes. I didn't have them</p> <p>4 immediately upon starting, but a few months</p> <p>5 after I started. 10:49:56</p> <p>6 Q. Do you recall who had</p> <p>7 responsibility or jurisdiction for Ocean Beach</p> <p>8 immediately prior to yourself?</p> <p>9 A. Yes.</p> <p>10 Q. Who was that individual? 10:50:05</p> <p>11 A. Mary Biglan.</p> <p>12 Q. As best as you can recall what</p> <p>13 employment positions in the Incorporated</p> <p>14 Village of Ocean Beach were subject to Civil</p> <p>15 Service Law during your employment as a 10:50:29</p> <p>16 personnel analyst?</p> <p>17 MS. ZWILLING: If she knows. We</p> <p>18 don't run Ocean Beach.</p> <p>19 Q. I understand that, I wouldn't want</p> <p>20 you to testify about something that you don't 10:50:35</p> <p>21 know. To the best of your knowledge and</p> <p>22 recollection can you identify the positions at</p> <p>23 Ocean Beach that were subject to Civil Service</p> <p>24 Law or regulation during your employment as a</p> <p>25 personnel analyst? 10:50:52</p>	<p style="text-align: right;">Page 53</p> <p>1 Sanchez</p> <p>2 MR. NOVIKOFF: Objection to the</p> <p>3 form. You have not laid a foundation</p> <p>4 that this witness knows of each and every</p> <p>5 position that might be subject to Civil 10:50:58</p> <p>6 Service Law. That should be the first</p> <p>7 question.</p> <p>8 MS. ZWILLING: Moreover quite</p> <p>9 frankly there is a factual/legal issue</p> <p>10 here in that it is my understanding that 10:51:07</p> <p>11 the plaintiffs have their own beliefs</p> <p>12 about which positions are or are not</p> <p>13 subject to Civil Service Law.</p> <p>14 MR. GRAFF: Now I am asking the</p> <p>15 witness who had jurisdiction to ensure 10:51:16</p> <p>16 compliance what positions she can recall</p> <p>17 that were within the scope of her</p> <p>18 jurisdiction.</p> <p>19 MS. ZWILLING: I am going to</p> <p>20 object. But if she can give you an 10:51:26</p> <p>21 answer to any extent, she can go ahead</p> <p>22 and answer.</p> <p>23 A. Any classified positions which --</p> <p>24 which were being held in the jurisdiction.</p> <p>25 Q. Do you recall whether the position 10:51:42</p>

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<p>1 Sanchez</p> <p>2 of police officer was a position in the</p> <p>3 Incorporated Village of Ocean Beach that was</p> <p>4 subject to Civil Service regulations or law</p> <p>5 when you were a personnel analyst? 10:51:54</p> <p>6 A. Yes.</p> <p>7 Q. Were there any other law</p> <p>8 enforcement positions at Ocean Beach that you</p> <p>9 can recall that fall into that category?</p> <p>10 MS. ZWILLING: Objection. There 10:52:05</p> <p>11 has been no testimony that there were</p> <p>12 non-police officer law enforcement</p> <p>13 positions in Ocean Beach.</p> <p>14 MR. GRAFF: I am asking that</p> <p>15 question now. 10:52:12</p> <p>16 A. I don't know of any other non-law</p> <p>17 enforcement positions other than police</p> <p>18 officer.</p> <p>19 Q. Other than police officer. What</p> <p>20 about the position of sergeant, do you recall 10:52:24</p> <p>21 whether that was a position subject to Civil</p> <p>22 Service requirements at Ocean Beach when you</p> <p>23 were a personnel analyst?</p> <p>24 A. Yes.</p> <p>25 Q. Were there any other law 10:52:39</p>	<p>1 Sanchez</p> <p>2 enforcement positions that were within the</p> <p>3 scope of your jurisdiction as a personnel</p> <p>4 analyst at Ocean Beach?</p> <p>5 A. They were all -- 10:52:47</p> <p>6 MS. ZWILLING: Objection. Your</p> <p>7 question -- I don't know if you realize</p> <p>8 this, but it inquiries about positions</p> <p>9 outside the Village of Ocean Beach. I</p> <p>10 don't know that you intended to phrase 10:53:06</p> <p>11 your question that way, but that is what</p> <p>12 you did.</p> <p>13 MR. NOVIKOFF: I join in the</p> <p>14 objection.</p> <p>15 MR. GRAFF: I perhaps mis-spoke. 10:53:12</p> <p>16 MR. NOVIKOFF: Perhaps.</p> <p>17 Q. Other than the Civil Service</p> <p>18 position police officer and sergeant were</p> <p>19 there any other law enforcement positions in</p> <p>20 the Incorporated Village of Ocean Beach that 10:53:26</p> <p>21 were subject to Civil Service Law or</p> <p>22 regulation when you were a personnel analyst?</p> <p>23 MS. ZWILLING: I object to your</p> <p>24 use of the term law enforcement because</p> <p>25 there is no standardized definition of 10:53:36</p>
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<p>1 Sanchez</p> <p>2 that term. If you want to use the term</p> <p>3 peace officer, that is acceptable to us..</p> <p>4 MR. GRAFF: Okay. I certainly</p> <p>5 don't want to confuse the witness. 10:53:46</p> <p>6 MS. ZWILLING: Because law</p> <p>7 enforcement could be picking up the</p> <p>8 garbage or catching stray dogs, and I</p> <p>9 don't know that that is what you intend</p> <p>10 to be asking about. Why don't we use 10:53:57</p> <p>11 peace officer.</p> <p>12 Q. I will ask about peace officer. I</p> <p>13 am not sure if I followed all of your</p> <p>14 objections there.</p> <p>15 Was there the position of peace 10:54:06</p> <p>16 officer in the Incorporated Village of Ocean</p> <p>17 Beach?</p> <p>18 MS. ZWILLING: Mr. Graff, I am not</p> <p>19 suggesting that there are positions</p> <p>20 entitled peace officer. What I am 10:54:15</p> <p>21 suggesting is under the Criminal</p> <p>22 Procedure Law there is a definition of</p> <p>23 the term peace officer which includes a</p> <p>24 number of specified categories, among</p> <p>25 them are police officers and sheriffs and 10:54:25</p>	<p>1 Sanchez</p> <p>2 various other types of law enforcement</p> <p>3 officers.</p> <p>4 It is a standard definition that</p> <p>5 we can open a book and refer to, and I am 10:54:35</p> <p>6 suggesting that you use that as opposed</p> <p>7 to law enforcement because there is no</p> <p>8 standard definition of law enforcement</p> <p>9 officer. It is too subject to</p> <p>10 misinterpretation and different 10:54:46</p> <p>11 interpretation.</p> <p>12 So when I ask you or suggest that</p> <p>13 you use the term peace officer, I am not</p> <p>14 suggesting that there is a position with</p> <p>15 that title. I am simply suggesting that 10:54:54</p> <p>16 you use that to refer to the various</p> <p>17 categories that are encompassed within</p> <p>18 that definition in the criminal procedure</p> <p>19 law.</p> <p>20 Q. Ms. Sanchez, did you understand 10:55:05</p> <p>21 peace officer as described by Ms. Zwilling?</p> <p>22 MR. NOVIKOFF: Objection.</p> <p>23 A. Yes..</p> <p>24 Q. Okay. Were the positions of</p> <p>25 police officer and sergeant categories of 10:55:15</p>

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<p>1 Sanchez</p> <p>2 peace officers?</p> <p>3 MS. ZWILLING: Mr. Graff, are you</p> <p>4 familiar with the Criminal Procedure Law</p> <p>5 definition of peace officer, it would 10:55:26</p> <p>6 cover any sworn member of a Police</p> <p>7 Department. I think we can agree on that</p> <p>8 for purposes of the record.</p> <p>9 MR. GRAFF: Okay. I am happy to</p> <p>10 agree on that. You had earlier indicated 10:55:36</p> <p>11 that she is not an attorney, can't call</p> <p>12 for legal conclusion, I wanted to make</p> <p>13 sure that --</p> <p>14 MS. ZWILLING: But you are an</p> <p>15 attorney and I am trying to just work out 10:55:41</p> <p>16 an agreed definition here so that we</p> <p>17 don't have to get into a lot of</p> <p>18 background definitional questions.</p> <p>19 MR. GRAFF: Okay. My concern is</p> <p>20 that to the extent that you and I agree 10:55:52</p> <p>21 on the definition, it is not necessarily</p> <p>22 the case that the witness is on the same</p> <p>23 page.</p> <p>24 MS. ZWILLING: Well, we are all</p> <p>25 going to be less on the same page if you 10:56:00</p>	<p>1 Sanchez</p> <p>2 use a term like law enforcement officer</p> <p>3 of which there is no standard written</p> <p>4 definition.</p> <p>5 Q. Were there any other positions 10:56:09</p> <p>6 other than police officer and other than</p> <p>7 sergeant that would fall under the rubric of</p> <p>8 peace officer that were subject to Civil</p> <p>9 Service regulations in Ocean Beach when you</p> <p>10 were personnel analyst? 10:56:29</p> <p>11 MR. NOVIKOFF: Objection. To the</p> <p>12 extent that she can recall.</p> <p>13 A. Not that I can recall.</p> <p>14 Q. Was there a position of seasonal</p> <p>15 police officer in the Incorporated Village of 10:56:41</p> <p>16 Ocean Beach when you were a personnel analyst?</p> <p>17 A. Yes.</p> <p>18 Q. Was there a position of part-time</p> <p>19 police officer in Ocean Beach when you were a</p> <p>20 personnel analyst? 10:56:52</p> <p>21 A. That is the same thing.</p> <p>22 MS. ZWILLING: I am going to</p> <p>23 object to -- a partial objection to your</p> <p>24 question. You seem to be proceeding</p> <p>25 under the assumption that these are 10:56:59</p>
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<p>1 Sanchez</p> <p>2 Suffolk County positions assigned to</p> <p>3 Ocean Beach, supervised by Ocean Beach,</p> <p>4 and then we supervise Ocean Beach.</p> <p>5 Ocean Beach is a municipality. 10:57:07</p> <p>6 Suffolk County is a different</p> <p>7 municipality. We don't supervise them.</p> <p>8 We don't hire employees of the village.</p> <p>9 We don't fire employees of the village.</p> <p>10 All Civil Service does is ensure 10:57:21</p> <p>11 that their employment practices, and I am</p> <p>12 talking about practices now as opposed to</p> <p>13 hiring and firing decisions are in line</p> <p>14 with Civil Service Law.</p> <p>15 So I would suggest you don't ask 10:57:33</p> <p>16 the question of the witness about what</p> <p>17 positions does Ocean Beach have because</p> <p>18 she is not going to be able to give you</p> <p>19 an answer.</p> <p>20 MR. NOVIKOFF: I join in. 10:57:45</p> <p>21 MS. ZWILLING: We don't run Ocean</p> <p>22 Beach. Okay, that is the bottom line of</p> <p>23 it. We don't run Ocean Beach.</p> <p>24 MR. GRAFF: My questions were</p> <p>25 aimed at -- 10:57:54</p>	<p>1 Sanchez</p> <p>2 MS. ZWILLING: It is not the City</p> <p>3 of New York, we are not the City of New</p> <p>4 York supervising The Bronx, Brooklyn,</p> <p>5 Manhattan, Staten Island and Queens. The 10:58:02</p> <p>6 Village of Ocean Beach is an independent</p> <p>7 municipality. We don't supervise them.</p> <p>8 MR. GRAFF: I understand that, but</p> <p>9 as you indicated you ensure compliance</p> <p>10 with the employment practices. 10:58:10</p> <p>11 MS. ZWILLING: Practices, not</p> <p>12 decisions.</p> <p>13 MR. GRAFF: I had not suggested --</p> <p>14 MS. ZWILLING: Let's be clear</p> <p>15 about that. 10:58:18</p> <p>16 MR. GRAFF: Okay, I didn't believe</p> <p>17 there was ambiguity, but I certainly</p> <p>18 wouldn't want there to be --</p> <p>19 MS. ZWILLING: Well, you are</p> <p>20 posing questions to the witness about 10:58:25</p> <p>21 what the village does seems to suggest</p> <p>22 that there is some ambiguity. So I am</p> <p>23 hoping that as we proceed the questions</p> <p>24 will not be so ambiguous.</p> <p>25 Q. Okay. To make it crystal clear if 10:58:38</p>

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<p>1 Sanchez</p> <p>2 I could --</p> <p>3 MR. NOVIKOFF: That would be a</p> <p>4 first.</p> <p>5 MR. GRAFF: Mr. Novikoff, your 10:58:42</p> <p>6 disruptions and commentary are disruptive</p> <p>7 and improper.</p> <p>8 MR. NOVIKOFF: I said four words.</p> <p>9 Ms. Zwilling said 14,000 words.</p> <p>10 MS. ZWILLING: I am talking more 10:58:53</p> <p>11 than I planned here. Just ask the</p> <p>12 witness about her contact with your</p> <p>13 clients and any involvement she had with</p> <p>14 their positions.</p> <p>15 MR. GRAFF: Ms. Zwilling is 10:59:04</p> <p>16 defending this deposition. To the extent</p> <p>17 that her commentary falls within the</p> <p>18 appropriate scope of that it is less</p> <p>19 objectionable than your quips.</p> <p>20 MS. ZWILLING: We all have a job 10:59:16</p> <p>21 to do here, so why don't we just move on.</p> <p>22 Q. Ms.. Sanchez, if I could ask you to</p> <p>23 just direct your attention to what has been</p> <p>24 marked as Sanchez Exhibit 2, I have copies for</p> <p>25 counsel, this is a document that was produced 10:59:27</p>	<p>1 Sanchez</p> <p>2 to us by the County without Bates number.</p> <p>3 Ms. Sanchez, when you have had a</p> <p>4 chance to look over the document can you tell</p> <p>5 me please if you recognize this document? 10:59:44</p> <p>6 A. I do.</p> <p>7 Q. What is the document?</p> <p>8 A. A specification.</p> <p>9 Q. A specification of what?</p> <p>10 A. Of the title police officer. 10:59:54</p> <p>11 Q. Where it says towards the bottom</p> <p>12 in the last subheading in capitals underlined,</p> <p>13 necessary special requirements, do you</p> <p>14 understand what that is referring to in the</p> <p>15 context of this document? 11:00:09</p> <p>16 A. Yes.</p> <p>17 Q. Could you explain what that is</p> <p>18 referring to?</p> <p>19 A. That refers to special</p> <p>20 requirements that the candidate needs to be 11:00:17</p> <p>21 able to pass or be -- fit into the guidelines</p> <p>22 in order to qualify for the position.</p> <p>23 Q.. So when you ensured compliance</p> <p>24 with hiring practices at Ocean Beach for</p> <p>25 police officers, were these the guidelines 11:00:36</p>
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<p>1 Sanchez</p> <p>2 that you applied?</p> <p>3 MS. ZWILLING: Objection. There</p> <p>4 has been no testimony by this witness</p> <p>5 that this document is a Suffolk County 11:00:43</p> <p>6 document. There has been no testimony</p> <p>7 that this document has any connection</p> <p>8 with the positions held by the</p> <p>9 plaintiffs.</p> <p>10 MR. NOVIKOFF: And moreover it is 11:00:55</p> <p>11 dated 4/26/02. So when you say you</p> <p>12 ensure, are you referring to the witness</p> <p>13 or are you referring to the Suffolk</p> <p>14 County agency responsible for any</p> <p>15 employment related matters concerning any 11:01:09</p> <p>16 Suffolk County Civil Service position.</p> <p>17 MS. ZWILLING: There is numerous</p> <p>18 Police Departments within the</p> <p>19 geographical boundaries of Suffolk County</p> <p>20 which Suffolk County Civil Service may be 11:01:22</p> <p>21 responsible for, and we have not</p> <p>22 established which if any of those Police</p> <p>23 Departments this document pertains to.</p> <p>24 It may not have been prepared by the</p> <p>25 County. 11:01:37</p>	<p>1 Sanchez</p> <p>2 MR. GRAFF: That was exactly --</p> <p>3 MS. ZWILLING: Your question</p> <p>4 presumes that this document governs your</p> <p>5 client's positions, and that has not been 11:01:43</p> <p>6 established.</p> <p>7 MR. NOVIKOFF: And your question</p> <p>8 also presumes, counselor, that this</p> <p>9 agency's responsibility to ensure</p> <p>10 compliance in the absence of having any 11:01:52</p> <p>11 information that there is no compliance.</p> <p>12 I think it -- you need to establish the</p> <p>13 fact that Ms. Sanchez and/or her agency</p> <p>14 knew that there were uncertified officers</p> <p>15 being retained before she got involved in 11:02:04</p> <p>16 the matter.</p> <p>17 MS. ZWILLING: These are hiring</p> <p>18 qualifications. There has been no</p> <p>19 testimony by this witness and I seriously</p> <p>20 doubt there will be any that Suffolk 11:02:14</p> <p>21 County hires police officers for the</p> <p>22 Village of Ocean Beach.</p> <p>23 MR. NOVIKOFF: I think the most</p> <p>24 appropriate question of the witness to</p> <p>25 start the whole ball rolling is when did 11:02:23</p>

<p style="text-align: right;">Page 66</p> <p>1 Sanchez</p> <p>2 you first learn that there was an issue</p> <p>3 concerning certification with Ocean Beach</p> <p>4 seasonal police officers. That to me is</p> <p>5 the value of this witness, but you can 11:02:35</p> <p>6 obviously do you what you want to do.</p> <p>7 MR. GRAFF: Are you both finished?</p> <p>8 MS. ZWILLING: Yes, please clarify</p> <p>9 the question or please withdraw it and</p> <p>10 ask a more appropriate question.. 11:02:46</p> <p>11 Q. Sure. Does this document reflect</p> <p>12 qualification requirements for police officers</p> <p>13 in the Incorporated Village of Ocean Beach?</p> <p>14 MS. ZWILLING: If you know. And</p> <p>15 what timeframe; again the document is 11:03:01</p> <p>16 dated April 26, 2002. As of that date?</p> <p>17 Q. During the period of her</p> <p>18 employment as a personnel analyst?</p> <p>19 MR. NOVIKOFF: Objection to the</p> <p>20 form. 11:03:13</p> <p>21 A. To my recollection this particular</p> <p>22 specification and title referred to only one</p> <p>23 employee of the Village of Ocean Beach.</p> <p>24 Q. Do you have a specific individual</p> <p>25 in mind? 11:03:29</p>	<p style="text-align: right;">Page 67</p> <p>1 Sanchez</p> <p>2 A. George Hesse.</p> <p>3 Q. Looking down right around the</p> <p>4 middle of the necessary special requirements</p> <p>5 there is a sentence that states: There will 11:03:43</p> <p>6 be qualifying medical, psychological, physical</p> <p>7 fitness and polygraph evaluations.</p> <p>8 Ms. Sanchez, do you understand</p> <p>9 what the qualifying medical refers to?</p> <p>10 MS. ZWILLING: What does it matter 11:03:59</p> <p>11 if she understands or not?</p> <p>12 MR. NOVIKOFF: I agree.</p> <p>13 MS. ZWILLING: Are you asking her</p> <p>14 what the requirement is?</p> <p>15 MR. GRAFF: Yes, I am asking what 11:04:10</p> <p>16 the requirement is.</p> <p>17 MS.. ZWILLING: That is not what</p> <p>18 you asked her. You asked her if she</p> <p>19 understands it. The witness'</p> <p>20 understanding of the document really is 11:04:18</p> <p>21 unimportant here. If you want to know</p> <p>22 what the qualifying exam is, ask her.</p> <p>23 Q. Do you know what the qualifying</p> <p>24 medical exam is in the context of police</p> <p>25 officer in this document? 11:04:30</p>
<p style="text-align: right;">Page 68</p> <p>1 Sanchez</p> <p>2 A. No.</p> <p>3 Q. Do you know what the qualifying</p> <p>4 psychological exam is as referenced in this</p> <p>5 document? 11:04:36</p> <p>6 A. Do I know what the psychological</p> <p>7 exam is; no. That is administered by a</p> <p>8 psychologist. No, I don't know.</p> <p>9 Q. Were these requirements or the</p> <p>10 qualifications referenced in this line 11:04:56</p> <p>11 qualifying medical, psychological, physical</p> <p>12 fitness and polygraph, were those requirements</p> <p>13 that applied to George Hesse's position at the</p> <p>14 Ocean Beach Police Department?</p> <p>15 MS. ZWILLING: We didn't hire him, 11:05:12</p> <p>16 how would we know that?</p> <p>17 MR. GRAFF: The witness indicated</p> <p>18 that this document, police officer,</p> <p>19 related specifically to George Hesse. I</p> <p>20 am asking whether -- 11:05:24</p> <p>21 MR. NOVIKOFF: Wouldn't that</p> <p>22 regardless of your characterization of</p> <p>23 her testimony, wouldn't what you just</p> <p>24 said indicate that to the extent that</p> <p>25 anything on this document applied to 11:05:35</p>	<p style="text-align: right;">Page 69</p> <p>1 Sanchez</p> <p>2 George Hesse, it did, and you don't need</p> <p>3 to go through specifically whether</p> <p>4 qualifying medical, psychological,</p> <p>5 physical fitness and polygraph evaluation 11:05:44</p> <p>6 applies to George Hesse.</p> <p>7 This witness has already testified</p> <p>8 that in her opinion, and I don't</p> <p>9 mischaracterize her testimony, that this</p> <p>10 document, Sanchez Exhibit 2, applied to 11:05:58</p> <p>11 only one position at Ocean Beach and that</p> <p>12 was Mr. Hesse's position.</p> <p>13 MS. ZWILLING: Exactly.</p> <p>14 MR. GRAFF: I am asking</p> <p>15 specifically focusing on this line 11:06:09</p> <p>16 whether the qualifications on this line</p> <p>17 applied to George Hesse's position.</p> <p>18 MS. ZWILLING: The witness just</p> <p>19 said that the entire document applies to</p> <p>20 George Hesse. So the question has 11:06:16</p> <p>21 already been responded to.</p> <p>22 MR. NOVIKOFF: I take that as a</p> <p>23 yes, now move on.</p> <p>24 Q. If the witness could give the</p> <p>25 testimony rather than counsel I could move on 11:06:27</p>

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<p>1 Sanchez</p> <p>2 from that question?</p> <p>3 MR. NOVIKOFF: Objection. Sorry.</p> <p>4 MS. ZWILLING: You can answer,</p> <p>5 Allison. We objected. 11:06:34</p> <p>6 A. Repeat that question.</p> <p>7 Q. Sure. Did the qualifications of</p> <p>8 the qualifying medical, psychological,</p> <p>9 physical fitness and polygraph evaluations,</p> <p>10 did that apply to George Hesse's position as 11:06:49</p> <p>11 police officer at Ocean Beach during your</p> <p>12 employment as personnel analyst?</p> <p>13 MR. NOVIKOFF: Objection.</p> <p>14 MS. ZWILLING: I am going to</p> <p>15 object to the form because it is a 11:06:59</p> <p>16 requirement for attaining the job, and</p> <p>17 your question presumes that there has to</p> <p>18 be some continuation of fitness.</p> <p>19 Q. Was George Hesse required to</p> <p>20 satisfy these qualifications to attain the job 11:07:11</p> <p>21 of police officer at Ocean Beach?</p> <p>22 MS. ZWILLING: Objection. The</p> <p>23 witness -- Civil Service does not hire or</p> <p>24 does not fire. They do not participate</p> <p>25 in the decision as to who gets a job, and 11:07:23</p>	<p>1 Sanchez</p> <p>2 I am going to ask that you tailor your</p> <p>3 questions accordingly.</p> <p>4 Q. Were the decision-makers</p> <p>5 responsible for George Hesse attaining the 11:07:31</p> <p>6 position of police officer at Ocean Beach</p> <p>7 required to comply with these qualification</p> <p>8 standards with respect to his attainment of</p> <p>9 that position?</p> <p>10 MR. NOVIKOFF: Objection. 11:07:47</p> <p>11 MS. ZWILLING: Why don't ask her</p> <p>12 first if she knows who the</p> <p>13 decision-makers were with respect to the</p> <p>14 hiring and maintaining of George Hesse.</p> <p>15 MR. NOVIKOFF: And more 11:07:57</p> <p>16 particularly my objection to form, one is</p> <p>17 phraseology of the question, is also this</p> <p>18 document is dated 4/26/02. I believe,</p> <p>19 although you have not established it</p> <p>20 through this witness, that Mr. Hesse was 11:08:11</p> <p>21 hired well before 4/26/02. So for you to</p> <p>22 ask her, ask this witness that question</p> <p>23 given the undisputed facts in this case</p> <p>24 as to when Mr. Hesse was initially hired</p> <p>25 by Ocean Beach is improper. 11:08:25</p>
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<p>1 Sanchez</p> <p>2 MR. GRAFF: I think I do actually</p> <p>3 understand what you are indicating.</p> <p>4 MR. NOVIKOFF: Okay.</p> <p>5 Q. Was Ocean Beach required to comply 11:08:33</p> <p>6 with these qualification standards -- strike</p> <p>7 that.</p> <p>8 For Ocean Beach to continue to</p> <p>9 employ George Hesse as a police officer --</p> <p>10 MS. ZWILLING: Can we stipulate 11:08:45</p> <p>11 that Ocean Beach is required to abide by</p> <p>12 the Civil Service Law and Civil Service</p> <p>13 regulations; there is no dispute as to</p> <p>14 that here. The witness is not your</p> <p>15 expert on Civil Service Law. We are not 11:08:56</p> <p>16 disputing that the village has to comply.</p> <p>17 MR. GRAFF: That is all I had</p> <p>18 wanted. The village had to comply with</p> <p>19 Ms. Sanchez and Ms. Sanchez's --</p> <p>20 MS. ZWILLING: No, the village has 11:09:06</p> <p>21 to comply with Civil Service Law and</p> <p>22 regulations, okay. The witness, who is</p> <p>23 not an attorney, is not going to</p> <p>24 interpret those laws and regulations for</p> <p>25 you. But I think we can all agree that 11:09:16</p>	<p>1 Sanchez</p> <p>2 all municipalities in the state have to</p> <p>3 comply with Civil Service Law and</p> <p>4 regulations. That is why it is there.</p> <p>5 MR. NOVIKOFF: Since the late 11:09:30</p> <p>6 1800s.</p> <p>7 Q. Ms. Sanchez, if George Hesse --</p> <p>8 MR. NOVIKOFF: Objection.</p> <p>9 MS. ZWILLING: She is not your</p> <p>10 expert, Mr. Graff. She is not going to 11:09:38</p> <p>11 answer hypotheticals.</p> <p>12 Q. Would it have been in compliance</p> <p>13 with Civil Service requirements --</p> <p>14 MR. NOVIKOFF: Objection.</p> <p>15 MS. ZWILLING: She is not your 11:09:46</p> <p>16 expert.</p> <p>17 MR. GRAFF: But she was</p> <p>18 responsible for --</p> <p>19 MS. ZWILLING: Then ask her what</p> <p>20 she did. 11:09:52</p> <p>21 MR. NOVIKOFF: Exactly. She was</p> <p>22 not there when Hesse was hired.</p> <p>23 Q. Ms. Sanchez, do you know whether</p> <p>24 George Hesse ever took or satisfied a</p> <p>25 qualifying medical exam in connection with his 11:10:09</p>

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<p>1 Sanchez</p> <p>2 employment at Ocean Beach as a police officer?</p> <p>3 A. I don't know.</p> <p>4 Q. Do you know whether George Hesse</p> <p>5 ever satisfied the qualifying psychological 11:10:21</p> <p>6 exam in the context of his employment as a</p> <p>7 police officer at Ocean Beach?</p> <p>8 A. No. He was hired before I worked</p> <p>9 with Civil Service. I don't know what was</p> <p>10 done when he was hired. 11:10:34</p> <p>11 Q. Do you know whether George Hesse</p> <p>12 ever took a polygraph exam in connection with</p> <p>13 his employment as a police officer at Ocean</p> <p>14 Beach?</p> <p>15 A.. I don't know. 11:10:43</p> <p>16 DI Q. Do you understand what the purpose</p> <p>17 of requiring a polygraph exam as set forth in</p> <p>18 this document is?</p> <p>19 MS. ZWILLING: Objection.</p> <p>20 MR. NOVIKOFF: The purpose back in 11:10:56</p> <p>21 the late 1800s when the New York State</p> <p>22 legislature enacted these laws, or at any</p> <p>23 point in time when these regulations were</p> <p>24 enacted; I don't understand the question.</p> <p>25 MS. ZWILLING: I object because 11:11:07</p>	<p>1 Sanchez</p> <p>2 asking the witness to justify state law</p> <p>3 is not a proper question, and that is</p> <p>4 what you are asking.</p> <p>5 MR. GRAFF: I am asking for her 11:11:14</p> <p>6 own understanding of why this is in the</p> <p>7 state law in this context.</p> <p>8 MS. ZWILLING: I don't think the</p> <p>9 witness has any understanding why the</p> <p>10 legislature enacted the Criminal 11:11:22</p> <p>11 Procedure Law provisions that it did.</p> <p>12 You know, Mr. Graff, quite frankly</p> <p>13 I assumed that before you came here today</p> <p>14 that you would have familiarized yourself</p> <p>15 with the Civil Service Law and Criminal 11:11:33</p> <p>16 Procedure Law context of this witness'</p> <p>17 testimony. The witness is not going to</p> <p>18 answer hypotheticals. She is not going</p> <p>19 to interpret the law and she is certainly</p> <p>20 not going to give you her personal 11:11:48</p> <p>21 opinion on why state statutes are written</p> <p>22 the way they are written, and that is</p> <p>23 what you are asking her to do.</p> <p>24 MR. GRAFF: Okay. So can I</p> <p>25 understand from your statement that you 11:11:56</p>
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<p>1 Sanchez</p> <p>2 are not going to let the witness answer</p> <p>3 the question?</p> <p>4 MS. ZWILLING: I will not let her</p> <p>5 answer that question. I will -- I can't 11:12:01</p> <p>6 agree to have her answer questions that</p> <p>7 ask her for a justification of Civil</p> <p>8 Service Law.</p> <p>9 MR. GRAFF: I wasn't asking her to</p> <p>10 justify, just to explain -- 11:12:11</p> <p>11 MS. ZWILLING: Then why don't</p> <p>12 rephrase your question so that it doesn't</p> <p>13 appear to call for a justification of</p> <p>14 Civil Service Law requirements.</p> <p>15 Q. Without asking you to justify the 11:12:19</p> <p>16 qualification or Civil Service requirements,</p> <p>17 do you have any personal understanding of what</p> <p>18 the function of a polygraph exam is in the</p> <p>19 context of the qualifications set forth in</p> <p>20 this document? 11:12:33</p> <p>21 MR. NOVIKOFF: Objection.</p> <p>22 MS. ZWILLING: I object. But it</p> <p>23 is a yes or no question, she can give you</p> <p>24 her yes or no.</p> <p>25 A. Yes. 11:12:41</p>	<p>1 Sanchez</p> <p>2 Q. Could you explain what your</p> <p>3 understanding of that is?</p> <p>4 MR. NOVIKOFF: Objection.</p> <p>5 MS. ZWILLING: Objection. Her 11:12:46</p> <p>6 understanding is irrelevant to the law,</p> <p>7 but if you want her understanding she can</p> <p>8 give it to you.</p> <p>9 MR. NOVIKOFF: You mean as opposed</p> <p>10 to just making sure that the person is 11:12:58</p> <p>11 telling the truth?</p> <p>12 MS. ZWILLING: Mr. Graff, even if</p> <p>13 the witness thought that it was an</p> <p>14 incredibly poor idea to have peace</p> <p>15 officers pass polygraph exams, even if 11:13:08</p> <p>16 she thought it was the most ill-advised</p> <p>17 policy in the world it makes no different</p> <p>18 to your client's case. Her personal</p> <p>19 opinion doesn't matter.</p> <p>20 MR. GRAFF: Then you should have 11:13:19</p> <p>21 absolutely no basis for objecting to her</p> <p>22 giving the opinion if it can't help our</p> <p>23 case.</p> <p>24 MS. ZWILLING: Well, that is not</p> <p>25 true, but in any event you only get your 11:13:24</p>

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<p>1 Sanchez</p> <p>2 seven hours, so its your funeral.</p> <p>3 MR. GRAFF: The objections on this</p> <p>4 line of questioning have far exceeded the</p> <p>5 time that the actual questioning would 11:13:32</p> <p>6 have taken.</p> <p>7 MS. ZWILLING: Your focus on</p> <p>8 irrelevant opinions and other immaterial</p> <p>9 questions has far exceeded the amount of</p> <p>10 time that you have spent asking the 11:13:45</p> <p>11 witness about her involvement with the</p> <p>12 plaintiffs..</p> <p>13 MR. GRAFF: Okay. I would ask</p> <p>14 that to the extent that it is possible to</p> <p>15 limit the speaking objections so that the 11:13:56</p> <p>16 witness --</p> <p>17 MR. NOVIKOFF: You are engaging</p> <p>18 us. You have asked Ms. Zwilling to</p> <p>19 explain her objections. Now you are</p> <p>20 saying you want to limit the speaking 11:14:04</p> <p>21 objections. Okay. In fact we helped you</p> <p>22 frame some questions.</p> <p>23 MR. GRAFF: If I feel like I need</p> <p>24 help or clarification I will ask you.</p> <p>25 But now there is a question pending 11:14:17</p>	<p>1 Sanchez</p> <p>2 before the witness and there has been an</p> <p>3 extended colloquy without an answer. We</p> <p>4 can hopefully get the answer.</p> <p>5 MS. ZWILLING: Fine. I am hoping 11:14:28</p> <p>6 this is the last expert hypothetical you</p> <p>7 pose to the defendant.</p> <p>8 MR. NOVIKOFF: I mean, Mr. Graff,</p> <p>9 if you would like since I am not</p> <p>10 defending this deposition I would be 11:14:37</p> <p>11 happy to write some questions out and</p> <p>12 give to your clients to give to you.</p> <p>13 MR. GRAFF: Mr. Novikoff, that was</p> <p>14 not a proper comment.</p> <p>15 MS. ZWILLING: Why don't just ask 11:14:46</p> <p>16 her a proper question, let's move along.</p> <p>17 MR. GRAFF: There was a question</p> <p>18 pending before all of this.</p> <p>19 MS. ZWILLING: Why don't you just</p> <p>20 re-ask the question. 11:14:56</p> <p>21 Q. I had asked for clarification on</p> <p>22 what your understanding was of the purpose of</p> <p>23 the polygraph or the function of the polygraph</p> <p>24 evaluation in this context?</p> <p>25 MS. ZWILLING: If she has 11:15:06</p>
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<p>1 Sanchez</p> <p>2 knowledge of the purpose.</p> <p>3 MR. GRAFF: She indicated that she</p> <p>4 had an understanding. I am asking what</p> <p>5 the understanding was. 11:15:12</p> <p>6 MR.. NOVIKOFF: Note my objection.</p> <p>7 A. To ask the candidate questions to</p> <p>8 see if he is truthful.</p> <p>9 Q. The very last sentence of this</p> <p>10 document it says: After appointment 11:15:25</p> <p>11 candidates will be required to successfully</p> <p>12 complete a police officer training course</p> <p>13 recognized by the New York State Municipal</p> <p>14 Training Counsel.</p> <p>15 My first question is do you 11:15:42</p> <p>16 understand what it is referring to by after</p> <p>17 appointment in this context?</p> <p>18 A. Yes.</p> <p>19 Q. Could you explain what after</p> <p>20 appointment means in this context? 11:15:48</p> <p>21 MR. NOVIKOFF: Note my objection.</p> <p>22 A. Appointment means after the</p> <p>23 candidate has been hired.</p> <p>24 Q. And as of a candidate's</p> <p>25 appointment can the candidate begin working 11:16:01</p>	<p>1 Sanchez</p> <p>2 immediately after being appointed?</p> <p>3 MS. ZWILLING: With what</p> <p>4 municipality and with what position; we</p> <p>5 don't -- Mr. Graff, your questions are -- 11:16:12</p> <p>6 I have to say this again and again -- are</p> <p>7 based on an incorrect understanding of</p> <p>8 how Ocean Beach runs its Police</p> <p>9 Department. Every Police Department</p> <p>10 makes its own rules and policies 11:16:28</p> <p>11 regarding its work performed by its</p> <p>12 employees. We don't supervise that.</p> <p>13 MR. GRAFF: Was that an objection?</p> <p>14 MS. ZWILLING: Yeah, because your</p> <p>15 question assumes that we somehow give the 11:16:46</p> <p>16 police officers direction after Ocean</p> <p>17 Beach appoints them, which is just not</p> <p>18 the way it works. I know I have said</p> <p>19 this again and again, but perhaps you are</p> <p>20 just not accepting it, but it is the 11:17:02</p> <p>21 truth, we don't run the Ocean Beach</p> <p>22 Village Police Department.</p> <p>23 MR. GRAFF: I wasn't suggesting</p> <p>24 that you did. I am just trying to</p> <p>25 understand what this qualification means. 11:17:12</p>

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<p>1 Sanchez</p> <p>2 MS. ZWILLING: You keep assuring</p> <p>3 me that you understand that, but then you</p> <p>4 persist in asking questions which are</p> <p>5 phrased to presume that we do run the 11:17:20</p> <p>6 village Police Department. So I am going</p> <p>7 to ask you to just not phrase your</p> <p>8 questions in that manner any longer.</p> <p>9 Q. Ms. Sanchez, do you understand</p> <p>10 when it says: After appointment candidates 11:17:33</p> <p>11 will be required to successfully complete the</p> <p>12 training course.</p> <p>13 Do you know whether that means</p> <p>14 after they have been hired but before they can</p> <p>15 start serving in the position? 11:17:45</p> <p>16 MS. ZWILLING: Objection, but she</p> <p>17 can answer the question if she knows the</p> <p>18 answer.</p> <p>19 MR. NOVIKOFF: I join in the</p> <p>20 objection. 11:17:51</p> <p>21 A. I don't know. After appointment</p> <p>22 means whatever they do as directed by the</p> <p>23 jurisdiction is on the village clock is</p> <p>24 working. After they get hired I don't know.</p> <p>25 They have to do what -- 11:18:07</p>	<p>1 Sanchez</p> <p>2 Q. Were you done?</p> <p>3 A. They do what they are told to do</p> <p>4 by the jurisdiction. That has nothing to do</p> <p>5 with my role. 11:18:15</p> <p>6 Q. Okay. So then we can put aside</p> <p>7 the document?</p> <p>8 MS. ZWILLING: We can put aside</p> <p>9 any questions which assume that we hire,</p> <p>10 we direct, we manage, we supervise, we 11:18:27</p> <p>11 discipline. We don't do any of those</p> <p>12 things, okay, that is the village.</p> <p>13 MR. GRAFF: Okay, I understand</p> <p>14 that.</p> <p>15 MS. ZWILLING: We have spent 11:18:38</p> <p>16 enough time on this and I think if you</p> <p>17 can just accept that representation and</p> <p>18 move into the witness' contact with your</p> <p>19 clients we can streamline this</p> <p>20 deposition. 11:18:48</p> <p>21 MR. NOVIKOFF: Yeah, I am actually</p> <p>22 going to make an application for costs</p> <p>23 going forward unless we begin to get into</p> <p>24 some of the allegations in the complaint.</p> <p>25 MR. GRAFF: Let's take a short 11:18:55</p>
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<p>1 Sanchez</p> <p>2 break.</p> <p>3 THE VIDEOGRAPHER: The time is</p> <p>4 11:18. We are off the record.</p> <p>5 (Recess taken.) 11:19:01</p> <p>6 THE VIDEOGRAPHER: The time is</p> <p>7 11:26. We are on the record.</p> <p>8 Q. Ms. Sanchez, do you know during</p> <p>9 your employment as a personnel analyst what</p> <p>10 the requirements were to be hired as a police 11:26:58</p> <p>11 officer in Ocean Beach in compliance with</p> <p>12 Civil Service Law?</p> <p>13 MR. NOVIKOFF: I am going to</p> <p>14 object to the question because it is</p> <p>15 twofold. It asks what are the Ocean 11:27:07</p> <p>16 Beach requirements and what are the Civil</p> <p>17 Service Law requirements.</p> <p>18 MR. GRAFF: I am asking</p> <p>19 in compliance with the Civil Service</p> <p>20 requirements. 11:27:20</p> <p>21 MR. NOVIKOFF: Could you repeat</p> <p>22 the question so it is clear. I'm sorry,</p> <p>23 I didn't mean to cut you off.</p> <p>24 MS. ZWILLING: You know, I have no</p> <p>25 objection to you asking, pursuing that 11:27:25</p>	<p>1 Sanchez</p> <p>2 information, but I am going to ask you to</p> <p>3 rephrase the question because it is not</p> <p>4 clear. She may not know what Ocean</p> <p>5 Beach's hiring requirements are, but she 11:27:35</p> <p>6 may be able to tell you what Civil</p> <p>7 Service Law requires.</p> <p>8 Q. Okay. My question was what the</p> <p>9 requirements were to be hired in compliance</p> <p>10 with Civil Service Law? 11:27:47</p> <p>11 MS.. ZWILLING: Maybe she may feel</p> <p>12 that they are not in compliance.</p> <p>13 MR. GRAFF: So my question is what</p> <p>14 are the requirements that they had to</p> <p>15 comply with to be compliance with Civil 11:27:58</p> <p>16 Service Law.</p> <p>17 MS. ZWILLING: That should be your</p> <p>18 question. That is not what you asked.</p> <p>19 Q. Ms. Sanchez, during your</p> <p>20 employment as a personnel analyst what were 11:28:13</p> <p>21 the Civil Service requirements to be hired as</p> <p>22 a police officer at Ocean Beach?</p> <p>23 MR. NOVIKOFF: Objection. The</p> <p>24 requirements are set forth in the Civil</p> <p>25 Service Law and the regulations 11:28:24</p>

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<p>1 Sanchez</p> <p>2 promulgated and pursuant thereof.</p> <p>3 Subject to that objection.</p> <p>4 A. Are you referring to full-time</p> <p>5 police officer? 11:28:34</p> <p>6 Q. Let's start with full-time police</p> <p>7 officer?</p> <p>8 A. I wasn't involved with the hiring</p> <p>9 of full-time police officers.</p> <p>10 Q. And what sort of police officers 11:28:42</p> <p>11 were you involved with the hiring of?</p> <p>12 MS. ZWILLING: Objection. The</p> <p>13 question presumes she is involved in</p> <p>14 hiring. She may not have any involvement</p> <p>15 in decisions to hire. 11:28:53</p> <p>16 Q. What if any types of police</p> <p>17 officers were you involved at all in the</p> <p>18 process of hiring in Ocean Beach?</p> <p>19 MR. NOVIKOFF: You mean</p> <p>20 nationalities or titles? 11:29:02</p> <p>21 MS. ZWILLING: Objection. There</p> <p>22 has been no testimony by the witness that</p> <p>23 she participates in the decision to hire</p> <p>24 police officers. Again this gets back to</p> <p>25 what I tried to establish before. The 11:29:15</p>	<p>1 Sanchez</p> <p>2 County does not hire village police</p> <p>3 officers. We undertake certain functions</p> <p>4 to check compliance with Civil Service</p> <p>5 Law, but we do not hire. 11:29:29</p> <p>6 I am going to have to object to</p> <p>7 any questions with regard to what the</p> <p>8 County does in connection with the hiring</p> <p>9 process.</p> <p>10 MR. GRAFF: Okay. Can I continue? 11:29:37</p> <p>11 MS. ZWILLING: You can continue.</p> <p>12 Q. Ms. Sanchez, when you indicated</p> <p>13 that you were not involved in the hiring of</p> <p>14 full-time police officers, is there another</p> <p>15 kind of police officer that you were involved 11:29:47</p> <p>16 in the hiring of?</p> <p>17 MR. NOVIKOFF: Objection.</p> <p>18 A. I was not involved in the hiring</p> <p>19 of the officers, no.</p> <p>20 Q. Are you aware of what the Civil 11:29:55</p> <p>21 Service requirements were for hiring a police</p> <p>22 officer in Ocean Beach in compliance with</p> <p>23 those requirements during your employment as a</p> <p>24 personnel analyst?</p> <p>25 A. Yes. 11:30:12</p>
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<p>1 Sanchez</p> <p>2 Q. Could you identify those</p> <p>3 requirements, please?</p> <p>4 MR. NOVIKOFF: Objection to the</p> <p>5 form. 11:30:16</p> <p>6 A. Are we speaking about a full-time</p> <p>7 police officer or otherwise?</p> <p>8 Q. I asked about full-time, now I</p> <p>9 will ask about otherwise?</p> <p>10 MR. NOVIKOFF: What are you asking 11:30:27</p> <p>11 about otherwise?</p> <p>12 Q. What were you referring to by</p> <p>13 otherwise Ms. Sanchez?</p> <p>14 A. Non-full-time.</p> <p>15 Q. Okay. With respect to 11:30:34</p> <p>16 non-full-time police officers what were the</p> <p>17 Civil Service requirements that had to be</p> <p>18 complied with for the hiring of non-full-time</p> <p>19 police officers at Ocean Beach during your</p> <p>20 employment as personnel analyst? 11:30:47</p> <p>21 MR.. NOVIKOFF: Objection.</p> <p>22 MS. ZWILLING: Objection.</p> <p>23 A. I am not sure I understand exactly</p> <p>24 what you are asking me. You are asking me</p> <p>25 what the requirement was for a part-time or 11:31:09</p>	<p>1 Sanchez</p> <p>2 call in, that is what they were called, police</p> <p>3 officer was in order to be hired?</p> <p>4 Q.. Yes.</p> <p>5 MS. ZWILLING: Let me ask you 11:31:20</p> <p>6 this, Mr. Graff, and again I am just</p> <p>7 trying to get to the nub of this so we</p> <p>8 can go forward. Are you asking the</p> <p>9 witness about hiring requirements or</p> <p>10 Civil Service Law specifications? 11:31:32</p> <p>11 MR. GRAFF: Civil Service Law</p> <p>12 requirements that the --</p> <p>13 MS. ZWILLING: There are Civil</p> <p>14 Service Law specifications, and the</p> <p>15 village has whatever hiring requirements 11:31:42</p> <p>16 it has. The witness, and I think we</p> <p>17 already made the point, the County does</p> <p>18 not get involved in the hiring process.</p> <p>19 There are certain Civil Service Law</p> <p>20 specifications for police officers 11:31:55</p> <p>21 generally. They are not specific to the</p> <p>22 Village of Ocean Beach or any other</p> <p>23 municipality. There is just general</p> <p>24 Civil Service Law specifications.</p> <p>25 Now if you want to ask her about 11:32:08</p>

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<p>1 Sanchez</p> <p>2 the Civil Service Law specifications,</p> <p>3 fine, that is what she is here for. But</p> <p>4 I am going to object to any questions</p> <p>5 with respect to the village's hiring 11:32:19</p> <p>6 requirements. This witness has not ever</p> <p>7 worked for the village. She can't answer</p> <p>8 on behalf of the village.</p> <p>9 MR. NOVIKOFF: Ms. Zwilling, how</p> <p>10 many CLE credits am I getting for this -- 11:32:27</p> <p>11 MR. GRAFF: Mr. Novikoff, again</p> <p>12 this is purely disruptive. My question</p> <p>13 is not about Ocean Beach's own internal</p> <p>14 hiring requirements, it is about Civil</p> <p>15 Service standards or requirements as they 11:32:42</p> <p>16 would apply.</p> <p>17 MS. ZWILLING: Then why don't we</p> <p>18 use the term specification since that is</p> <p>19 the term used in the Civil Service Law.</p> <p>20 This way we have no confusion. 11:32:51</p> <p>21 Q. Ms. Sanchez, do you understand</p> <p>22 what I am referring to if I say Civil Service</p> <p>23 specifications?</p> <p>24 A. Yes.</p> <p>25 Q. Great. So what were the Civil 11:32:59</p>	<p>1 Sanchez</p> <p>2 Service specifications that applied to</p> <p>3 non-full-time police officers?</p> <p>4 MR. NOVIKOFF: When?</p> <p>5 Q. In Ocean Beach and other places 11:33:10</p> <p>6 within Suffolk County?</p> <p>7 MS. ZWILLING: Or the state.</p> <p>8 Q. Or the state?</p> <p>9 A. Well, I am only aware of Suffolk</p> <p>10 County specifications for non-full-time police 11:33:23</p> <p>11 officers, but the specifications for the</p> <p>12 County required that the candidate would have</p> <p>13 completed a police academy and also have</p> <p>14 completed a medical, psychological, polygraph</p> <p>15 and a physical, and passed all of those 11:33:42</p> <p>16 qualifying exams.</p> <p>17 Q. And if a person did not --</p> <p>18 MR. NOVIKOFF: Objection.</p> <p>19 Q. If those specifications were not</p> <p>20 complied with would that have any effect on 11:34:01</p> <p>21 the person's ability to serve as a police</p> <p>22 officer lawfully?</p> <p>23 MS. ZWILLING: Objection.</p> <p>24 MR. NOVIKOFF: Objection. I don't</p> <p>25 understand the question. 11:34:16</p>
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<p>1 Sanchez</p> <p>2 MS. ZWILLING: That is one of my</p> <p>3 objections.</p> <p>4 Q. Is a person who has not satisfied</p> <p>5 those requirements, is that person a civilian, 11:34:21</p> <p>6 a non-police officer?</p> <p>7 MS. ZWILLING: Objection. I ask</p> <p>8 you to rephrase the question because that</p> <p>9 really didn't make any sense.</p> <p>10 Q. To your knowledge is there any -- 11:34:31</p> <p>11 was there any impact on a person's ability to</p> <p>12 serve as a police officer if they were not in</p> <p>13 compliance with a Civil Service specification?</p> <p>14 MR. NOVIKOFF: Objection.</p> <p>15 MS. ZWILLING: Objection. 11:34:50</p> <p>16 A. I don't know. The way you asked</p> <p>17 that question I don't know. That is not part</p> <p>18 of what I did.</p> <p>19 DI Q. Do you know whether, and this is</p> <p>20 only to your knowledge, whether a person could 11:35:06</p> <p>21 lawfully exercise the powers and duties of</p> <p>22 police officer if they had not satisfied those</p> <p>23 Civil Service specifications?</p> <p>24 MS. ZWILLING: Objection. Calls</p> <p>25 for a legal conclusion, please move on. 11:35:19</p>	<p>1 Sanchez</p> <p>2 The witness is not an attorney and she is</p> <p>3 not your expert.</p> <p>4 MR. NOVIKOFF: Objection.</p> <p>5 MR. GRAFF: I am just asking to 11:35:25</p> <p>6 her knowledge.</p> <p>7 MR. NOVIKOFF: We know what you</p> <p>8 are asking, yes.</p> <p>9 MR. GRAFF: Is that an instruction</p> <p>10 not to answer? 11:35:31</p> <p>11 MS.. ZWILLING: Yes.</p> <p>12 MR. GRAFF: If you could please</p> <p>13 mark the transcript there.</p> <p>14 Q. To your knowledge if a person were</p> <p>15 employed as a police officer in compliance 11:35:42</p> <p>16 with the Civil Service specifications in a</p> <p>17 jurisdiction other than Ocean Beach, and then</p> <p>18 went to work as a police officer in Ocean</p> <p>19 Beach, would they be required to comply with</p> <p>20 further or additional Civil Service 11:35:59</p> <p>21 specifications when they transferred to Ocean</p> <p>22 Beach?</p> <p>23 MR. NOVIKOFF: Objection.</p> <p>24 MS. ZWILLING: By whom; the</p> <p>25 witness is not going to speak to what the 11:36:11</p>

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<p>1 Sanchez</p> <p>2 village required. We don't supervise or</p> <p>3 manage the village.</p> <p>4 MR. GRAFF: I understand that.</p> <p>5 MS. ZWILLING: But yet your 11:36:18</p> <p>6 question calls for her to provide that</p> <p>7 information.</p> <p>8 MR. GRAFF: Ms. Zwilling, you</p> <p>9 clarified that the Civil Service</p> <p>10 specifications apply broadly throughout 11:36:25</p> <p>11 the state. My question is if a person</p> <p>12 satisfied those specifications as a</p> <p>13 police officer in New York would there be</p> <p>14 any additional specifications that they</p> <p>15 would need to satisfy under Civil Service 11:36:39</p> <p>16 Law.</p> <p>17 MR. NOVIKOFF: Are you asking</p> <p>18 Ms. Zwilling that question, because you</p> <p>19 are looking at Ms. Zwilling.</p> <p>20 MR. GRAFF: I am clarifying the 11:36:48</p> <p>21 question because we may have been</p> <p>22 speaking at --</p> <p>23 MS. ZWILLING: It is all in the</p> <p>24 Civil Service Law. The witness is not an</p> <p>25 attorney. She is not here to interpret 11:36:53</p>	<p>1 Sanchez</p> <p>2 or explain the Civil Service Law to you.</p> <p>3 MR. NOVIKOFF: Nor is it a memory</p> <p>4 test.</p> <p>5 MS. ZWILLING: Yeah. The meaning 11:37:00</p> <p>6 of the Civil Service Law is not an</p> <p>7 evidentiary matter in this case. It is</p> <p>8 not a matter of debate. It is something</p> <p>9 for attorneys like us to research and</p> <p>10 interpret. It is not an evidentiary 11:37:08</p> <p>11 issue.</p> <p>12 MR. GRAFF: Ms. Zwilling, are you</p> <p>13 going to instruct the witness not to</p> <p>14 answer the question?</p> <p>15 MS. ZWILLING: No, I am not. If 11:37:14</p> <p>16 she can make sense out of your question</p> <p>17 she can answer it. But I will say this,</p> <p>18 Mr. Graff, you have explicitly</p> <p>19 acknowledged at this point that you</p> <p>20 understand that Civil Service does not 11:37:23</p> <p>21 manage or supervise the village. Yet you</p> <p>22 persist in asking questions which call</p> <p>23 for information as to what Civil Service</p> <p>24 does with respect to -- please allow me</p> <p>25 to finish. 11:37:39</p>
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<p>1 Sanchez</p> <p>2 Your questions call for</p> <p>3 information as to what Civil Service does</p> <p>4 in managing the village. As long as you</p> <p>5 persist in asking that type of question I 11:37:50</p> <p>6 am going to have to object. I cannot</p> <p>7 allow the witness to answer any question</p> <p>8 which inquires as to what Civil Service</p> <p>9 does in its supervision of the village</p> <p>10 because there is none. 11:38:05</p> <p>11 MR. GRAFF: Okay.</p> <p>12 MS. ZWILLING: So frame your</p> <p>13 questions accordingly, please.</p> <p>14 MR. GRAFF: I framed my question</p> <p>15 as to what Civil Service specifications 11:38:12</p> <p>16 are applicable in the context. Is</p> <p>17 that --</p> <p>18 MS. ZWILLING: That is fine, but</p> <p>19 that was not your original question.</p> <p>20 MR. GRAFF: It will be clear 11:38:19</p> <p>21 enough when we get the transcript.</p> <p>22 Q. But asking now that question.</p> <p>23 MR. NOVIKOFF: What question?</p> <p>24 Q. If a person had satisfied</p> <p>25 applicable Civil Service specifications for 11:38:30</p>	<p>1 Sanchez</p> <p>2 employment let's say in New York City as a</p> <p>3 police officer would there be additional Civil</p> <p>4 Service specifications applicable to that</p> <p>5 person if they were to begin working as a 11:38:41</p> <p>6 police officer in Ocean Beach?</p> <p>7 MR. NOVIKOFF: Objection. You are</p> <p>8 presuming that this witness has knowledge</p> <p>9 of what the New York City Civil Service</p> <p>10 requirements are and if they are 11:38:56</p> <p>11 coterminous with that which is required</p> <p>12 by the Suffolk County Civil Service. Ask</p> <p>13 her does she have knowledge of what the</p> <p>14 New York City Civil Service --</p> <p>15 Q. I don't want to confuse it with 11:39:09</p> <p>16 New York City. Any municipality in Suffolk</p> <p>17 County other than Ocean Beach, if a person</p> <p>18 were a police officer and had complied with</p> <p>19 the Civil Service specifications as a police</p> <p>20 officer in the jurisdiction other than Ocean 11:39:19</p> <p>21 Beach and then worked to begin working as a</p> <p>22 police officer in Ocean Beach, are there any</p> <p>23 further Civil Service specifications that</p> <p>24 would apply to their employment in that</p> <p>25 context? 11:39:30</p>

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<p>1 Sanchez</p> <p>2 MR. NOVIKOFF: Note my objection.</p> <p>3 A. Yes.</p> <p>4 Q. And could you please identify what</p> <p>5 those specifications were? 11:39:35</p> <p>6 MR. NOVIKOFF: Objection.</p> <p>7 A. They would be required to pass a</p> <p>8 psychological, a physical, a medical and a</p> <p>9 polygraph in Suffolk County in order to be</p> <p>10 employed by a jurisdiction in Suffolk County 11:39:48</p> <p>11 as a police officer.</p> <p>12 Q. So if they had passed all of those</p> <p>13 exams in the context of their employment as a</p> <p>14 police officer in Suffolk County, but not in</p> <p>15 Ocean Beach, would they need to retake those 11:40:01</p> <p>16 qualifications upon transferring to the</p> <p>17 jurisdiction of Ocean Beach?</p> <p>18 MS. ZWILLING: I am going to</p> <p>19 object to the question because it is not</p> <p>20 clear. When you speak of them passing 11:40:12</p> <p>21 exams, quote, in Suffolk County, unquote,</p> <p>22 it is not clear whether what you speak of</p> <p>23 is them being physically present within</p> <p>24 the geographical boundaries of the County</p> <p>25 at the time they took the test, or are 11:40:37</p>	<p>1 Sanchez</p> <p>2 you referring to them achieving the</p> <p>3 specifications for the Suffolk County</p> <p>4 Police Department, or something else?</p> <p>5 MR. NOVIKOFF: And I am going to 11:40:50</p> <p>6 object on the grounds of form. Your</p> <p>7 question doesn't differentiate between</p> <p>8 notwithstanding the fact that someone</p> <p>9 passed the test whether they ever started</p> <p>10 working for a jurisdiction, whether or 11:41:00</p> <p>11 not there were breaks in service and for</p> <p>12 reasons -- whether there was breaks,</p> <p>13 there could be a military break, there</p> <p>14 could be other breaks.</p> <p>15 MS. ZWILLING: Maybe they 11:41:10</p> <p>16 qualified and never went to the academy.</p> <p>17 I mean the possibilities are numerous.</p> <p>18 Q. Let me be as clear as I can.</p> <p>19 If somebody were employed and had</p> <p>20 passed all of the exams required or under 11:41:21</p> <p>21 Civil Service specifications to be employed by</p> <p>22 a Police Department in Suffolk County, but not</p> <p>23 in Ocean Beach, not a Police Department in</p> <p>24 Ocean Beach, and they had been actively</p> <p>25 serving as a police officer and they 11:41:36</p>
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<p>1 Sanchez</p> <p>2 immediately thereafter began working in Ocean</p> <p>3 Beach, would there be any further</p> <p>4 specifications that they would have to fulfill</p> <p>5 by virtue of their working in Ocean Beach? 11:41:47</p> <p>6 MR. NOVIKOFF: Objection.</p> <p>7 MS. ZWILLING: Let me suggest</p> <p>8 this. Are you asking the witness whether</p> <p>9 the Civil Service specifications are the</p> <p>10 same for all police officer jobs under 11:42:00</p> <p>11 the jurisdiction of Suffolk County</p> <p>12 Department of Civil Service.</p> <p>13 Q. Let me ask that question. Are</p> <p>14 they the same?</p> <p>15 A. Yes. 11:42:12</p> <p>16 MR. NOVIKOFF: I was going to</p> <p>17 object to your question, but...</p> <p>18 Q. If somebody had been a police</p> <p>19 officer and had satisfied those, would they</p> <p>20 need to requalify under those certifications 11:42:20</p> <p>21 in Ocean Beach; would they need to again</p> <p>22 attend police academy, again take a medical,</p> <p>23 again take a psychological exam to begin</p> <p>24 working in Ocean Beach?</p> <p>25 MR. NOVIKOFF: Objection. 11:42:33</p>	<p>1 Sanchez</p> <p>2 MS. ZWILLING: Objection to that</p> <p>3 question because it assumes that all of</p> <p>4 those things are Civil Service</p> <p>5 requirements. They may or may not be. 11:42:39</p> <p>6 In other words Civil Service for example</p> <p>7 could require a medical, but they may not</p> <p>8 require academy attendance. However the</p> <p>9 individual Police Department which does</p> <p>10 its own hiring may require academy 11:42:51</p> <p>11 attendance.</p> <p>12 So you are grouping apples and</p> <p>13 oranges together. You are presuming that</p> <p>14 each and every one of those is a Civil</p> <p>15 Service spec in all circumstances and 11:43:06</p> <p>16 that is not the case. They are</p> <p>17 requirements set by the Police</p> <p>18 Departments and their Civil Service</p> <p>19 specs.</p> <p>20 Q. Okay. If a person had satisfied 11:43:15</p> <p>21 all Civil Service specifications for their</p> <p>22 employment as a police officer in a</p> <p>23 jurisdiction other than Ocean Beach within</p> <p>24 Suffolk County would there be any Civil</p> <p>25 Service specifications that they would not 11:43:28</p>

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<p>1 Sanchez</p> <p>2 have already satisfied for them to be a police</p> <p>3 officer in Ocean Beach?</p> <p>4 MR. NOVIKOFF: Objection. Form.</p> <p>5 MS. ZWILLING: You know, 11:43:37</p> <p>6 Mr. Graff, you are asking is there</p> <p>7 anything that they have not satisfied.</p> <p>8 Your question assumes they have already</p> <p>9 satisfied. What I think what you are</p> <p>10 driving at is whether they would have to 11:43:49</p> <p>11 requalify under any circumstances.</p> <p>12 Now, they may have qualified once,</p> <p>13 but if they retire for five years and</p> <p>14 decide they want to resume work as a</p> <p>15 police officer they may have to requalify 11:44:01</p> <p>16 based upon their break of service.</p> <p>17 MR. NOVIKOFF: Or God forbid if</p> <p>18 they had a leg amputated perhaps they</p> <p>19 would have to take an additional</p> <p>20 physical. 11:44:14</p> <p>21 MS. ZWILLING: Let me suggest this</p> <p>22 to you, Mr. Graff. Instead of asking the</p> <p>23 witness hypotheticals which are improper</p> <p>24 for a deposition anyway, why don't we at</p> <p>25 least begin with asking her questions 11:44:25</p>	<p>1 Sanchez</p> <p>2 about your client's situation because</p> <p>3 perhaps that will supply all the</p> <p>4 information that you do need, and if it</p> <p>5 doesn't at least then we can have some 11:44:34</p> <p>6 more directed follow up instead of asking</p> <p>7 broad scope hypotheticals which may or</p> <p>8 may not pertain to the facts of this</p> <p>9 case.</p> <p>10 MR. GRAFF: Okay, and I will be 11:44:45</p> <p>11 getting to those issues.</p> <p>12 Q. Ms. Sanchez, are there any</p> <p>13 circumstances in which a person would need to</p> <p>14 requalify under Civil Service specifications</p> <p>15 upon beginning to work as a police officer in 11:44:54</p> <p>16 Ocean Beach after having worked as a police</p> <p>17 officer somewhere else in Suffolk County and</p> <p>18 complied with whatever Civil Service</p> <p>19 specifications were applicable to that</p> <p>20 employment? 11:45:07</p> <p>21 MR. NOVIKOFF: Objection, calls</p> <p>22 for a legal conclusion. Objection on the</p> <p>23 grounds that it is already contained in</p> <p>24 the appropriate Civil Service</p> <p>25 regulations. That is my objection. 11:45:15</p>
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<p>1 Sanchez</p> <p>2 A.. Yes.</p> <p>3 Q. And what circumstances would</p> <p>4 necessitate their requalification with those</p> <p>5 Civil Service classifications? 11:45:24</p> <p>6 A. Is that with the assumption that</p> <p>7 they have already passed all their qualifying</p> <p>8 exams previously in a Suffolk County</p> <p>9 jurisdiction?</p> <p>10 Q. Yes. 11:45:33</p> <p>11 A. A break in service would</p> <p>12 constitute the candidate to be required to</p> <p>13 take all of their qualifying exams again.</p> <p>14 Q. And is there a --</p> <p>15 A. A break in service, I apologize, 11:45:47</p> <p>16 which exceeded a year.</p> <p>17 Q. Thank you.</p> <p>18 And to your knowledge are there</p> <p>19 any circumstances in which somebody who is</p> <p>20 employed and in compliance with Civil Service 11:46:08</p> <p>21 specifications in New York State outside of</p> <p>22 Suffolk County, if such a person than began</p> <p>23 working as a police officer in Ocean Beach,</p> <p>24 are there any circumstances in which they</p> <p>25 would have to requalify under any Civil 11:46:21</p>	<p>1 Sanchez</p> <p>2 Service specifications?</p> <p>3 MR. NOVIKOFF: Objection.</p> <p>4 MS. ZWILLING: At minimum they</p> <p>5 would have to qualify for the first time 11:46:31</p> <p>6 if they had not had previous service as a</p> <p>7 police officer.</p> <p>8 Q. To be clear I was asking about if</p> <p>9 somebody had been employed as a police officer</p> <p>10 in New York State outside of Suffolk County 11:46:54</p> <p>11 and then were to immediately thereafter begin</p> <p>12 working in Ocean Beach as a police officer</p> <p>13 would there be any Civil Service</p> <p>14 specifications that they would need to</p> <p>15 requalify under under any circumstances? 11:47:08</p> <p>16 MR. NOVIKOFF: Objection.</p> <p>17 MS. ZWILLING: Are you asking</p> <p>18 whether -- does your question assume they</p> <p>19 had been working as a full-time permanent</p> <p>20 police officer, because maybe they were a 11:47:20</p> <p>21 probationary for a day. You are mixing</p> <p>22 up apples and oranges. These various</p> <p>23 designations trigger different rights and</p> <p>24 responsibilities under Civil Service Law</p> <p>25 and they have to be looked at 11:47:32</p>

<p style="text-align: right;">Page 106</p> <p>1 Sanchez</p> <p>2 individually. But your question is</p> <p>3 asking for a garbage can answer.</p> <p>4 MR. NOVIKOFF: I have not heard</p> <p>5 that one before, I like that, I am going 11:47:41</p> <p>6 to start using that.</p> <p>7 Q. Ms. Sanchez, as I mentioned at the</p> <p>8 beginning if you are ever confused by my</p> <p>9 questions please don't hesitate to tell me.</p> <p>10 To focus now specifically on 11:47:51</p> <p>11 somebody who had been employed in New York</p> <p>12 State outside of Suffolk County as a full-time</p> <p>13 police officer having satisfied any applicable</p> <p>14 Civil Service specifications, would there be</p> <p>15 any further Civil Service specifications that 11:48:04</p> <p>16 they would need to attain or requalify under</p> <p>17 to begin working as a police officer in Ocean</p> <p>18 Beach?</p> <p>19 MR. NOVIKOFF: Objection.</p> <p>20 A. Yes. Same answer as before. If 11:48:14</p> <p>21 they have not had their qualifying exams</p> <p>22 performed by the Suffolk County Police</p> <p>23 Department, they would need to pass all four</p> <p>24 qualifying exams by Suffolk County's Police</p> <p>25 Department. 11:48:30</p>	<p style="text-align: right;">Page 107</p> <p>1 Sanchez</p> <p>2 Q. And would there be any</p> <p>3 circumstances in which that would not be the</p> <p>4 case; are there any exceptions to that rule?</p> <p>5 MR. NOVIKOFF: Objection. 11:48:42</p> <p>6 A. No. Not that I am aware of.</p> <p>7 Q. So say somebody had been on a SWAT</p> <p>8 team somewhere in New York State, would they</p> <p>9 still have to requalify under Suffolk County</p> <p>10 administered exams? 11:48:55</p> <p>11 MR. NOVIKOFF: Objection.</p> <p>12 MS. ZWILLING: Objection. Are we</p> <p>13 talking about a police SWAT team?</p> <p>14 MR. GRAFF: Yes.</p> <p>15 MS. ZWILLING: The objection 11:49:02</p> <p>16 stands, but if the witness can answer.</p> <p>17 A. Given a different job, it doesn't</p> <p>18 change the answer. If they don't have their</p> <p>19 Suffolk County qualifying exams administered</p> <p>20 by the Suffolk County Police to be employed by 11:49:16</p> <p>21 a jurisdiction in Suffolk County, then it</p> <p>22 doesn't apply. They need to have their</p> <p>23 qualifying exams and pass them as given by</p> <p>24 Suffolk County Police.</p> <p>25 Q. Thank you. 11:49:27</p>
<p style="text-align: right;">Page 108</p> <p>1 Sanchez</p> <p>2 Is there any Civil Service</p> <p>3 specifications for Suffolk County with respect</p> <p>4 to firearms permits for police officers?</p> <p>5 A. I am not aware of anything that 11:49:36</p> <p>6 doesn't have anything to do with what I was</p> <p>7 responsible for.</p> <p>8 Q. As far as you know would a police</p> <p>9 officer be permitted to work as a police</p> <p>10 officer prior to their satisfying all of those 11:49:49</p> <p>11 Civil Service specifications?</p> <p>12 MS. ZWILLING: By whom?</p> <p>13 Q.. By Suffolk County?</p> <p>14 MS. ZWILLING: By Suffolk County</p> <p>15 what; are you asking about is it 11:49:59</p> <p>16 acceptable under Civil Service Law, or</p> <p>17 are you referring to the Suffolk County</p> <p>18 Police Department?</p> <p>19 Q. I am referring to the Civil</p> <p>20 Service Law? 11:50:09</p> <p>21 MR. NOVIKOFF: Objection. I don't</p> <p>22 even know what your question is asking.</p> <p>23 I am confused by it.</p> <p>24 A. I am confused by your question as</p> <p>25 well. 11:50:16</p>	<p style="text-align: right;">Page 109</p> <p>1 Sanchez</p> <p>2 Q. Is there any Civil Service Law</p> <p>3 that would have bearing on whether or not a</p> <p>4 person could work as a police officer prior to</p> <p>5 having satisfied the Civil Service 11:50:23</p> <p>6 specifications in Suffolk County administered</p> <p>7 by Suffolk County?</p> <p>8 MS. ZWILLING: Objection.</p> <p>9 MR. NOVIKOFF: Objection.</p> <p>10 A. That is more of a jurisdictional 11:50:32</p> <p>11 type of a question. I didn't have any role in</p> <p>12 those types of decisions.. That wasn't part of</p> <p>13 what my job was to say whether or not they</p> <p>14 could work. Once they were hired there was a</p> <p>15 process that had to be followed and I just had 11:50:50</p> <p>16 a checklist of things to ensure that they did</p> <p>17 before the appointment could be approved.</p> <p>18 Q. To your knowledge was there</p> <p>19 anybody in Suffolk County Civil Service who</p> <p>20 was responsible for that? 11:51:03</p> <p>21 MS. ZWILLING: Object to the</p> <p>22 question to the extent that it assumes</p> <p>23 that that is the task of Suffolk County</p> <p>24 Civil Service.</p> <p>25 MR. GRAFF: I am not assuming 11:51:13</p>

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<p>1 Sanchez</p> <p>2 anything. I asked if there was</p> <p>3 anybody who --</p> <p>4 MS. ZWILLING: As long as it is</p> <p>5 clear that there is to be no assumption. 11:51:18</p> <p>6 A. I don't know, that was outside the</p> <p>7 scope of my position, so I wouldn't know.</p> <p>8 Q. In the course of your dealings</p> <p>9 with Ocean Beach as a personnel analyst who</p> <p>10 would you communicate with primarily at Ocean 11:51:37</p> <p>11 Beach?</p> <p>12 MR. NOVIKOFF: Objection.</p> <p>13 A. It depends on what the matter was</p> <p>14 pertaining to.</p> <p>15 Q. Who were the possible people that 11:51:46</p> <p>16 you, or who were the various people that you</p> <p>17 did communicate with with respect to issues</p> <p>18 arising in the context of your work as a</p> <p>19 personnel analyst?</p> <p>20 A. I primarily dealt with Kathryn 11:51:57</p> <p>21 Spies. There was also, I actually don't</p> <p>22 remember the name of the person who was in</p> <p>23 charge of the Ocean Beach village office</p> <p>24 there, there was a woman. Actually there was</p> <p>25 a turnover, there was one woman who was in 11:52:17</p>	<p>1 Sanchez</p> <p>2 charge of the office and then she left and was</p> <p>3 replaced by another woman and I would deal</p> <p>4 with her as well. But primarily I would deal</p> <p>5 with Kathryn Spies when it came to reporting 11:52:30</p> <p>6 personnel transactions.</p> <p>7 Q. And were there any issues in which</p> <p>8 you had to interact with Ocean Beach other</p> <p>9 than reporting personnel transactions?</p> <p>10 A. No, that was our primary function. 11:52:46</p> <p>11 Q. Other than Kathryn Spies and the</p> <p>12 two women whose names you were not certain of</p> <p>13 did you have occasion in the course of your</p> <p>14 work as a personnel analyst to interact with</p> <p>15 anyone else at Ocean Beach? 11:53:03</p> <p>16 A. Yes. I was interacting with</p> <p>17 George Hesse with regards to police personnel</p> <p>18 transactions in conjunction with Kathryn</p> <p>19 Spies.</p> <p>20 Q. And did you interact with George 11:53:18</p> <p>21 Hesse in connection with those issues</p> <p>22 throughout the period of your employment as a</p> <p>23 personnel analyst?</p> <p>24 A. No. I began to interact with</p> <p>25 George Hesse after I had already been working 11:53:34</p>
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<p>1 Sanchez</p> <p>2 with Ocean Beach for at least a year. He came</p> <p>3 into the picture later on after I had already</p> <p>4 been having my dealings with Ocean Beach. It</p> <p>5 was not the entire time, no. 11:53:51</p> <p>6 Q. Do you remember what calendar year</p> <p>7 it was when he came into the picture in that</p> <p>8 context?</p> <p>9 A. 2004.</p> <p>10 Q. And prior to your interacting with 11:54:05</p> <p>11 George Hesse on police personnel issues</p> <p>12 beginning approximately 2004 was there</p> <p>13 somebody else at Ocean Beach who you</p> <p>14 interacted with with respect to those issues?</p> <p>15 A. With respect to police issues? 11:54:17</p> <p>16 Q. The issues that you interacted</p> <p>17 with George Hesse with?</p> <p>18 MR. NOVIKOFF: Objection.</p> <p>19 A. Kathryn Spies.</p> <p>20 Q. Other than Kathryn Spies, George 11:54:26</p> <p>21 Hesse and the two women whose names you</p> <p>22 weren't sure of was there anyone else who you</p> <p>23 had to interact with in the course of your</p> <p>24 work as a personnel analyst?</p> <p>25 MS. ZWILLING: A lot of people I 11:54:38</p>	<p>1 Sanchez</p> <p>2 am sure. Your question is without</p> <p>3 limitation.</p> <p>4 MR. NOVIKOFF: Why don't you just</p> <p>5 ask her if she interacted with Chief 11:54:45</p> <p>6 Paradiso; isn't that what you are trying</p> <p>7 to get at?</p> <p>8 Q. Did you interact with Chief</p> <p>9 Paradiso?</p> <p>10 A. No. My attempts were 11:54:51</p> <p>11 unsuccessful.</p> <p>12 Q. What do you mean by your attempts</p> <p>13 were unsuccessful?</p> <p>14 A. I called him on a number of</p> <p>15 occasions and my phone calls went unreturned. 11:55:00</p> <p>16 Q. Would you leave messages with a</p> <p>17 machine when you would call him?</p> <p>18 A. I don't recall.</p> <p>19 Q. Do you recall whether you ever</p> <p>20 spoke with Chief Paradiso before 2004? 11:55:14</p> <p>21 MR. NOVIKOFF: Objection.</p> <p>22 A. I don't recall. I don't believe</p> <p>23 so.</p> <p>24 Q. Did you ever have occasion to</p> <p>25 interact with Mayor Joseph Loeffler of Ocean 11:55:32</p>

<p style="text-align: right;">Page 114</p> <p>1 Sanchez</p> <p>2 Beach in the course of your duties as</p> <p>3 personnel analyst?</p> <p>4 A. No.</p> <p>5 Q. What about Natalie Rogers, the 11:55:40</p> <p>6 former mayor at Ocean Beach, did you ever have</p> <p>7 occasion to interact with her in the course of</p> <p>8 your duties as personnel analyst?</p> <p>9 A. No.</p> <p>10 Q. When did you first meet George 11:55:53</p> <p>11 Hesse?</p> <p>12 MR. NOVIKOFF: Objection.</p> <p>13 A. I was in the village beach office</p> <p>14 there training Kathryn Spies on the proper way</p> <p>15 to complete Civil Service forms and on 11:56:20</p> <p>16 reporting procedures.</p> <p>17 Q. And when did that occur date wise?</p> <p>18 A. I do not remember specifically.</p> <p>19 Q. Was it prior to when you started</p> <p>20 interacting with George Hesse directly in 11:56:42</p> <p>21 2004?</p> <p>22 A. Yes. When I met him I didn't -- I</p> <p>23 think I might have spoken to him once or twice</p> <p>24 because he was still unknown to me when we</p> <p>25 were introduced. 11:56:56</p>	<p style="text-align: right;">Page 115</p> <p>1 Sanchez</p> <p>2 Q. When was the last occasion when</p> <p>3 you spoke with George Hesse, the most recent</p> <p>4 occasion?</p> <p>5 A. Right before I left Civil Service, 11:57:01</p> <p>6 I would imagine that would be April 2007.</p> <p>7 Q. Do you recall what the context</p> <p>8 specifically of your last interaction with</p> <p>9 George Hesse was?</p> <p>10 A. No. 11:57:22</p> <p>11 Q. Was that last interaction with</p> <p>12 George Hesse in the course of fulfilling your</p> <p>13 job duties as a personnel analyst?</p> <p>14 A. Yes.</p> <p>15 Q. Did you ever interact socially 11:57:37</p> <p>16 with George Hesse, that is not in the course</p> <p>17 of fulfilling professional duties?</p> <p>18 A. No.</p> <p>19 Q. Did you ever spend time with</p> <p>20 George Hesse socially? 11:57:50</p> <p>21 A. You just asked me that question,</p> <p>22 no.</p> <p>23 MR. NOVIKOFF: Objection.</p> <p>24 Q. Did you ever have lunch meetings</p> <p>25 with George Hesse? 11:58:04</p>
<p style="text-align: right;">Page 116</p> <p>1 Sanchez</p> <p>2 A. Yes.</p> <p>3 Q. About how frequently would you say</p> <p>4 you had lunch meetings with George Hesse?</p> <p>5 A. On one occasion. 11:58:12</p> <p>6 Q. When was that occasion?</p> <p>7 A. I don't remember exactly.</p> <p>8 Q. Do you remember what year it was?</p> <p>9 A. Late 2004, early 2005 as a guess.</p> <p>10 Q. Do you remember why you had an in 11:58:32</p> <p>11 person lunch meeting with George Hesse on that</p> <p>12 occasion?</p> <p>13 A. It was a working lunch. He had</p> <p>14 delivered some documentation to the Civil</p> <p>15 Service office with regards to the police 11:58:46</p> <p>16 officers getting qualified, and I needed some</p> <p>17 documentation that he had. He brought it to</p> <p>18 the office and it was normal for a personnel</p> <p>19 analyst to have working lunches with the</p> <p>20 clients in the jurisdiction. 11:59:12</p> <p>21 So it was just reviewing</p> <p>22 procedures as far as what we were trying to</p> <p>23 accomplish with regards to his police officers</p> <p>24 in the department.</p> <p>25 Q. Where was your office located as a 11:59:24</p>	<p style="text-align: right;">Page 117</p> <p>1 Sanchez</p> <p>2 personnel analyst?</p> <p>3 A. Hauppauge.</p> <p>4 Q. Was it part of this facility that</p> <p>5 we are present in for this deposition today? 11:59:34</p> <p>6 A. No.</p> <p>7 Q. Where did you have the working</p> <p>8 lunch that you were referring to with George</p> <p>9 Hesse?</p> <p>10 A. Maureen's Kitchen, I think it is 11:59:46</p> <p>11 also Hauppauge, right up the road from here,</p> <p>12 right up the road from the Civil Service</p> <p>13 office.</p> <p>14 Q. Did there ever come a time during</p> <p>15 your employment as a personnel analyst when 12:00:03</p> <p>16 you learned that there were problems or less</p> <p>17 than total compliance with Civil Service</p> <p>18 specifications in the context of employment at</p> <p>19 Ocean Beach?</p> <p>20 MR. NOVIKOFF: Objection. Form. 12:00:22</p> <p>21 A. Yes.</p> <p>22 Q. And when did you first become</p> <p>23 aware of that?</p> <p>24 A. When I was first given the</p> <p>25 jurisdiction. 12:00:36</p>

<p style="text-align: right;">Page 118</p> <p>1 Sanchez</p> <p>2 Q. Did someone when you were given</p> <p>3 that jurisdiction indicate to you that there</p> <p>4 were problems with Civil Service</p> <p>5 specifications being adhered to in Ocean 12:00:45</p> <p>6 Beach?</p> <p>7 A. Actually not -- not specifically</p> <p>8 about the specifications, but with regards to</p> <p>9 their reporting procedures.</p> <p>10 Q. Do you recall who it was who 12:00:57</p> <p>11 communicated that to you at that time?</p> <p>12 A. Mary Biglan.</p> <p>13 Q. And I believe you identified Mary</p> <p>14 Biglan earlier, was she an outgoing personnel</p> <p>15 analyst? 12:01:12</p> <p>16 A. No.</p> <p>17 Q. What was her position at that</p> <p>18 time?</p> <p>19 A. Personnel analyst.</p> <p>20 Q. Had Mary Biglan previously had the 12:01:18</p> <p>21 jurisdiction of Ocean Beach?</p> <p>22 A. Yes.</p> <p>23 Q. Do you know why Mary Biglan --</p> <p>24 strike that.</p> <p>25 Was it ever explained to you why 12:01:28</p>	<p style="text-align: right;">Page 119</p> <p>1 Sanchez</p> <p>2 Mary Biglan stopped having the jurisdiction of</p> <p>3 Ocean Beach at that time?</p> <p>4 A. Because I was new and our</p> <p>5 supervisor took jurisdictions from other 12:01:36</p> <p>6 analysts to give me work to do.</p> <p>7 Q. And do you recall if Mary Biglan</p> <p>8 or anyone else explained to you the nature of</p> <p>9 the reporting problems at Ocean Beach that you</p> <p>10 referred to a few moments ago? 12:01:52</p> <p>11 A. That they were negligent in</p> <p>12 reporting as they were supposed to.</p> <p>13 Q. And did you understand that in the</p> <p>14 context of your duties as a personnel analyst</p> <p>15 that you had any responsibilities with respect 12:02:07</p> <p>16 to correcting the reporting issues?</p> <p>17 A. I am not really sure I understand</p> <p>18 your question.</p> <p>19 Q. Well, did Mary Biglan indicate to</p> <p>20 you that you should do anything in particular 12:02:21</p> <p>21 in response to that negligence that she had</p> <p>22 identified?</p> <p>23 MR. NOVIKOFF: Objection.</p> <p>24 MS. ZWILLING: Objection.</p> <p>25 A. No. 12:02:29</p>
<p style="text-align: right;">Page 120</p> <p>1 Sanchez</p> <p>2 Q. Did anybody else communicate to</p> <p>3 you that there was anything that you should do</p> <p>4 in response to those -- that negligence with</p> <p>5 respect to reporting? 12:02:39</p> <p>6 A. I don't know if you mean</p> <p>7 specifically something that I should do</p> <p>8 or that I should just do something about it;</p> <p>9 can you be more specific?</p> <p>10 Q. Yes. Did you understand or did 12:02:51</p> <p>11 anyone communicate to you that you should do</p> <p>12 something about those reporting problems?</p> <p>13 A. Not specifically something that I</p> <p>14 should do, but my job was to get them to</p> <p>15 report which is why I went to the village to 12:03:03</p> <p>16 teach Kathryn how to report properly so that</p> <p>17 the problem could be remedied.</p> <p>18 Q. Okay. And just so we are clear</p> <p>19 what nature of reporting are you referring to</p> <p>20 in this context? 12:03:16</p> <p>21 A. When there is any change in</p> <p>22 personnel, when there is a personnel</p> <p>23 transaction of any type it needs to be</p> <p>24 reported to Civil Service.</p> <p>25 Q. Did you understand at that time 12:03:33</p>	<p style="text-align: right;">Page 121</p> <p>1 Sanchez</p> <p>2 that the reporting problem was generally with</p> <p>3 respect to employees at Ocean Beach, or was</p> <p>4 there any specific entity or department that</p> <p>5 it was unique to at Ocean Beach? 12:03:41</p> <p>6 MR. NOVIKOFF: Objection to the</p> <p>7 form.</p> <p>8 A. It was a village wide problem.</p> <p>9 Q. And after meeting with Ms. Spies</p> <p>10 to train her on reporting compliance in your 12:03:56</p> <p>11 opinion was the negligent reporting by Ocean</p> <p>12 Beach ever remedied?</p> <p>13 A. To a degree.</p> <p>14 Q. To what degree was it remedied?</p> <p>15 A. They improved, but they still made 12:04:17</p> <p>16 lots of mistakes.</p> <p>17 Q. Was there -- did there ever come a</p> <p>18 point in time in the course of your employment</p> <p>19 as a personnel analyst when in your estimation</p> <p>20 Ocean Beach had achieved full compliance with 12:04:34</p> <p>21 reporting requirements?</p> <p>22 MR. NOVIKOFF: Objection. I</p> <p>23 thought her last answer would have</p> <p>24 answered that question..</p> <p>25 A. No. 12:04:42</p>

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<p>1 Sanchez</p> <p>2 Q. Was the Town of Islip ever one of</p> <p>3 your jurisdictions as a personnel analyst?</p> <p>4 A. No.</p> <p>5 MR. GRAFF: Can I ask the 12:05:06</p> <p>6 videographer how much time we have on</p> <p>7 this tape?</p> <p>8 THE VIDEOGRAPHER: We have an hour</p> <p>9 left on the tape.</p> <p>10 MR. GRAFF: There is a phone 12:05:14</p> <p>11 ringing on my side of the table.</p> <p>12 MS. ZWILLING: I assume it is a</p> <p>13 wrong number.</p> <p>14 MR. GRAFF: Should I wait for it</p> <p>15 to -- 12:05:24</p> <p>16 MS. ZWILLING: Yes. It should go</p> <p>17 over to the voice-mail.</p> <p>18 MR. GRAFF: Let's go off the</p> <p>19 record.</p> <p>20 THE VIDEOGRAPHER: The time is 12:06:07</p> <p>21 12:05, we are off the record.</p> <p>22 (Recess taken.)</p> <p>23 THE VIDEOGRAPHER: The time is</p> <p>24 12:06, we are on the record.</p> <p>25 Q. To the extent that Ocean Beach 12:07:04</p>	<p>1 Sanchez</p> <p>2 failed to correct any reporting problems that</p> <p>3 you identified, to your knowledge would there</p> <p>4 be any consequences if they failed after being</p> <p>5 notified by you if they continued to fail to 12:07:26</p> <p>6 satisfy those reporting requirements?</p> <p>7 MR. NOVIKOFF: Wrong on so many</p> <p>8 levels. Objection to form.</p> <p>9 A. No.</p> <p>10 DI Q. To your knowledge would it be 12:07:53</p> <p>11 improper to pay an employee for serving in a</p> <p>12 position that had not been properly reported</p> <p>13 by Ocean Beach?</p> <p>14 MS. ZWILLING: Objection. The</p> <p>15 Civil Service Commission in Suffolk 12:08:11</p> <p>16 County does not pay any village</p> <p>17 employees. I won't permit her to answer</p> <p>18 the question.</p> <p>19 MR. NOVIKOFF: Objection.</p> <p>20 Q. So was it your understanding that 12:08:20</p> <p>21 a person could continue working in a capacity</p> <p>22 that had not been properly reported to Civil</p> <p>23 Service?</p> <p>24 MS. ZWILLING: Objection.</p> <p>25 Hypothetical. The witness is not here as 12:08:28</p>
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<p>1 Sanchez</p> <p>2 the plaintiff's expert. If you want to</p> <p>3 know go interpret the Civil Service Law.</p> <p>4 MR. NOVIKOFF: Exactly.</p> <p>5 Q. Did you ever communicate to Ocean 12:08:36</p> <p>6 Beach that it would be a problem for a person</p> <p>7 to continue working in a capacity that had not</p> <p>8 been properly reported to Civil Service?</p> <p>9 MR. NOVIKOFF: Objection. Form.</p> <p>10 A. That had not been properly 12:08:52</p> <p>11 reported?</p> <p>12 Q. Yes. That is if you identified an</p> <p>13 improper reporting and it was not remedied,</p> <p>14 did you ever communicate to anyone at Ocean</p> <p>15 Beach that that was a problem? 12:09:04</p> <p>16 MR. NOVIKOFF: Objection.</p> <p>17 A. No, it didn't work like that. If</p> <p>18 they were improperly reported it wouldn't</p> <p>19 disqualify them from working.</p> <p>20 Q. Okay. I have just a very brief 12:09:17</p> <p>21 question on a document that has been marked as</p> <p>22 Sanchez Exhibit 3?</p> <p>23 MS. ZWILLING: Do I get a copy;</p> <p>24 thank you.</p> <p>25 Q.. For clarification I brought 12:09:49</p>	<p>1 Sanchez</p> <p>2 sufficient copies for all counsel for</p> <p>3 defendant's today?</p> <p>4 MR. NOVIKOFF: Don't worry, Ari,</p> <p>5 you are not going to be punished. 12:09:57</p> <p>6 Q. If you could let me know,</p> <p>7 Ms. Sanchez, after you have had a chance to</p> <p>8 take a look at the document, do you recognize</p> <p>9 this document?</p> <p>10 A. Yes. 12:10:10</p> <p>11 Q. Could you identify it, please?</p> <p>12 A. It is a Suffolk County Civil</p> <p>13 Service specification for the title of</p> <p>14 sergeant in the police towns and villages.</p> <p>15 Q. Within Suffolk County Civil 12:10:20</p> <p>16 Service terminology would Ocean Beach,</p> <p>17 Incorporated Village of Ocean Beach fall under</p> <p>18 the category of a town or village in this</p> <p>19 context?</p> <p>20 A. Yes. 12:10:31</p> <p>21 Q. My question on this one is the</p> <p>22 very end of the body of the document there is</p> <p>23 the subheading minimum qualifications, and</p> <p>24 then on another line also in capitals</p> <p>25 underlined the word promotional. 12:10:48</p>

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<p>1 Sanchez</p> <p>2 Do you understand what promotional</p> <p>3 means in this context?</p> <p>4 A. Yes.</p> <p>5 Q. Could you explain what it means 12:10:52</p> <p>6 here, please?</p> <p>7 A. It means that it is a promotional</p> <p>8 exam as opposed to an open competitive exam.</p> <p>9 Q. Can you explain what the</p> <p>10 difference between a promotional exam and an 12:11:02</p> <p>11 open competitive exam is?</p> <p>12 A. A promotional exam is only open to</p> <p>13 somebody as described in the sentence beneath</p> <p>14 it as opposed to open competitive which is</p> <p>15 open to anybody in the general public that 12:11:17</p> <p>16 meets the qualifications as listed under the</p> <p>17 minimum qualifications.</p> <p>18 Q. Okay, and just so we are clear for</p> <p>19 the record the minimum qualifications in this</p> <p>20 context states three years permanent 12:11:33</p> <p>21 competitive status as a police officer?</p> <p>22 A. Uh-hum.</p> <p>23 Q. Do you understand what the</p> <p>24 permanent competitive status as a police</p> <p>25 officer means in this context? 12:11:47</p>	<p>1 Sanchez</p> <p>2 A. Yes.</p> <p>3 Q. Can you explain what that means?</p> <p>4 A. That means that somebody who is</p> <p>5 holding a position of full-time police officer 12:11:53</p> <p>6 competitive, being that they took a test and</p> <p>7 met all of the qualifications as required by</p> <p>8 the Civil Service Law to allow the -- it came</p> <p>9 from a list, so that the list was certified</p> <p>10 and that they were holding the position for 12:12:08</p> <p>11 three years permanently, that they would be</p> <p>12 eligible to take that promotional exam.</p> <p>13 Q. And as far as you know at any</p> <p>14 point during your employment as a personnel</p> <p>15 analyst did any police officers in Ocean Beach 12:12:24</p> <p>16 satisfy the standard of three years permanent</p> <p>17 competitive status as police officers?</p> <p>18 A. Yes.</p> <p>19 Q. And do you recall specifically who</p> <p>20 satisfied that standard? 12:12:41</p> <p>21 A. George Hesse.</p> <p>22 Q. Did anybody else satisfy that</p> <p>23 standard as far as you know?</p> <p>24 A. He was the only full-time police</p> <p>25 officer in the village. So no. 12:12:53</p>
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<p>1 Sanchez</p> <p>2 Q. Was George Hesse in the position</p> <p>3 of permanent competitive status police officer</p> <p>4 at the time that you began interacting with</p> <p>5 him in the course of your duties as personnel 12:13:10</p> <p>6 analyst?</p> <p>7 MS. ZWILLING: Objection.</p> <p>8 Competitive refers to the nature of the</p> <p>9 examination. It doesn't refer to the</p> <p>10 nature of the position. 12:13:17</p> <p>11 MR. NOVIKOFF: I would have to</p> <p>12 agree.</p> <p>13 Q. Was he serving in a position which</p> <p>14 after three years duration would have</p> <p>15 satisfied this qualification standard? 12:13:30</p> <p>16 A. Yes.</p> <p>17 Q. Thank you.</p> <p>18 How did you determine that that</p> <p>19 was the case?</p> <p>20 MR. NOVIKOFF: What was the case? 12:13:41</p> <p>21 MS. ZWILLING: You just asked her.</p> <p>22 There has been no testimony that she made</p> <p>23 such a formal determination. You asked</p> <p>24 her if he met the standard.</p> <p>25 Q. What is the basis for your 12:13:52</p>	<p>1 Sanchez</p> <p>2 testimony that he met the standard?</p> <p>3 MR. NOVIKOFF: You asked her the</p> <p>4 question.</p> <p>5 A. I had viewed his personnel card as 12:14:01</p> <p>6 it had been reported by the village, and he</p> <p>7 had been longer -- he had been employed there</p> <p>8 as a full-time police officer for longer than</p> <p>9 three years.</p> <p>10 Q. And at the time that you viewed 12:14:20</p> <p>11 that card do you know whether the information</p> <p>12 on the card had been verified by anyone in the</p> <p>13 Suffolk County Department of Civil Service?</p> <p>14 MR. NOVIKOFF: Objection.</p> <p>15 MS. ZWILLING: Objection because 12:14:35</p> <p>16 you don't have any testimony that they</p> <p>17 have the responsibility or the ability to</p> <p>18 do that.</p> <p>19 MR. GRAFF: If they don't then the</p> <p>20 answer would be no. 12:14:44</p> <p>21 MS. ZWILLING: You need to ask the</p> <p>22 foundational question first, not to ask a</p> <p>23 presumptive question. If you want to ask</p> <p>24 her if Civil Service has the ability or</p> <p>25 the responsibility of making those 12:14:55</p>

<p style="text-align: right;">Page 130</p> <p>1 Sanchez</p> <p>2 changes, that is a fair question.</p> <p>3 Q. Do you know whether Civil Service</p> <p>4 has the ability to verify whether the</p> <p>5 information on a personnel card such as 12:15:03</p> <p>6 personal card that you referred to, whether</p> <p>7 they have the ability to verify that</p> <p>8 information?</p> <p>9 MR. NOVIKOFF: Objection. Form.</p> <p>10 A. It is kind of a general question. 12:15:12</p> <p>11 As it applies to this specific case; yes.</p> <p>12 Q. And how --</p> <p>13 A. As it applies to George Hesse and</p> <p>14 his card and his competitive status and when</p> <p>15 he was hired and when he was appointed from 12:15:27</p> <p>16 the list; yes.</p> <p>17 Q. And were you able to verify that</p> <p>18 information as a personnel analyst?</p> <p>19 A. Was I able to; if I needed to.</p> <p>20 Q. Did you ever take any steps to 12:15:40</p> <p>21 verify the information on his personnel card?</p> <p>22 A. No.</p> <p>23 Q. Do you recall whether the</p> <p>24 personnel card indicated whether Mr. Hesse had</p> <p>25 ever taken a sergeant's examination? 12:15:54</p>	<p style="text-align: right;">Page 131</p> <p>1 Sanchez</p> <p>2 MS. ZWILLING: I am going to</p> <p>3 object because your questions presume</p> <p>4 that this witness played a role in the</p> <p>5 decision to make George Hesse a sergeant. 12:16:06</p> <p>6 MR. GRAFF: Not at all.</p> <p>7 MS. ZWILLING: Rephrase the</p> <p>8 question. If you want to ask her if she</p> <p>9 was one of the decision makers who</p> <p>10 determined to make George Hesse a 12:16:17</p> <p>11 sergeant, you can move on from there.</p> <p>12 MR. NOVIKOFF: I again renew my</p> <p>13 application. This is becoming patently</p> <p>14 irrelevant. I believe the questions are</p> <p>15 becoming harassing. They are patently 12:16:29</p> <p>16 irrelevant to the allegations in the</p> <p>17 complaint. I think we had maybe three</p> <p>18 questions so far that touch upon anything</p> <p>19 that is relevant to the complaint.</p> <p>20 MR. GRAFF: Your objection is 12:16:42</p> <p>21 noted.</p> <p>22 Q. Do you recall whether the</p> <p>23 information on the card for George Hesse that</p> <p>24 you referred to indicated whether or not</p> <p>25 George Hesse had passed a Civil Service 12:16:51</p>
<p style="text-align: right;">Page 132</p> <p>1 Sanchez</p> <p>2 examination for the position of sergeant?</p> <p>3 MS. ZWILLING: I am going to</p> <p>4 object because there is no testimony that</p> <p>5 the cards are required to indicate 12:17:02</p> <p>6 whether or not the person passed a test.</p> <p>7 For that reason your question is unfair.</p> <p>8 If you want to ask her if the card is</p> <p>9 supposed to contain that information and</p> <p>10 then she says yes, then you can ask her 12:17:15</p> <p>11 if this particular card did.</p> <p>12 But you can't ask a question that</p> <p>13 presumes that the information was</p> <p>14 supposed to be contained there so that a</p> <p>15 negative answer is going to be misused by 12:17:25</p> <p>16 you to suggest that some misconduct</p> <p>17 occurred.</p> <p>18 MR. NOVIKOFF: I am going to ask</p> <p>19 for another CLE credit.</p> <p>20 MR. GRAFF: I think your 12:17:35</p> <p>21 presumption about the intended use is --</p> <p>22 MS. ZWILLING: Why don't you ask</p> <p>23 her what the purpose of the card is.</p> <p>24 MR. NOVIKOFF: Yes. You have a</p> <p>25 habit of asking question number 10 12:17:45</p>	<p style="text-align: right;">Page 133</p> <p>1 Sanchez</p> <p>2 without laying a foundation for the first</p> <p>3 9 questions.</p> <p>4 Q. Okay. I just would like to get an</p> <p>5 answer to the question did the actual card 12:17:50</p> <p>6 indicate one way or another whether he did?</p> <p>7 MS. ZWILLING: Objection to that</p> <p>8 question.</p> <p>9 MR. NOVIKOFF: Me too.</p> <p>10 MS. ZWILLING: If you want to ask 12:17:58</p> <p>11 what the purpose of the card was that is</p> <p>12 acceptable. If you want to ask whether</p> <p>13 the cards are supposed to contain such</p> <p>14 information that is fine too. But that</p> <p>15 question that presumes that there is 12:18:08</p> <p>16 something that should be in the card that</p> <p>17 is not there is not a fair of</p> <p>18 questioning.</p> <p>19 MR. GRAFF: I am not presuming</p> <p>20 that there should be. I am only asking 12:18:14</p> <p>21 if --</p> <p>22 MS. ZWILLING: I get that you are</p> <p>23 only asking and I expect you to get that</p> <p>24 I am objecting.</p> <p>25 MR. GRAFF: Okay. I clearly get 12:18:22</p>

<p style="text-align: right;">Page 134</p> <p>1 Sanchez</p> <p>2 that you are objecting. Are you</p> <p>3 instructing the witness not to answer the</p> <p>4 current question that is pending?</p> <p>5 MS. ZWILLING: The witness is 12:18:29</p> <p>6 happy to answer non-compound questions.</p> <p>7 Again I would suggest that you ask if</p> <p>8 that information is supposed to be</p> <p>9 contained on the card. If the witness</p> <p>10 says yes, then be my guest in asking her 12:18:37</p> <p>11 whether it was contained on this</p> <p>12 particular card.</p> <p>13 Do you wish to do that Mr.. Graff?</p> <p>14 MR. GRAFF: To facilitate this I</p> <p>15 will ask the question. I believe that 12:18:50</p> <p>16 the speaking objections and colloquy were</p> <p>17 improper. You noted the objection and --</p> <p>18 MR. NOVIKOFF: You asked her.</p> <p>19 MS. ZWILLING: Mr. Graff, I have a</p> <p>20 duty to represent my client. When you 12:18:57</p> <p>21 put a diatribe on the record I would not</p> <p>22 be looking out for my client's interest</p> <p>23 were I to sit silent. When you respond</p> <p>24 and make certain assertions it becomes</p> <p>25 incumbent upon me to respond to those. 12:19:12</p>	<p style="text-align: right;">Page 135</p> <p>1 Sanchez</p> <p>2 I would prefer to have no speaking</p> <p>3 objections, but if you are going to speak</p> <p>4 I cannot prejudice my client's interest</p> <p>5 by not responding to the remarks you 12:19:21</p> <p>6 place on the record.</p> <p>7 Now why don't we just go on with</p> <p>8 the questions and try and limit any</p> <p>9 further speaking objections.</p> <p>10 MR. GRAFF: I think that is 12:19:30</p> <p>11 agreeable to all.</p> <p>12 Q. Ms. Sanchez, did the personnel</p> <p>13 cards of the sort that you had referred to in</p> <p>14 relation to George Hesse, to your knowledge</p> <p>15 were they supposed to indicate whether or not 12:19:42</p> <p>16 the individual in question had satisfied Civil</p> <p>17 Service examinations for their position?</p> <p>18 MR. NOVIKOFF: Objection.</p> <p>19 A. That is a different question --</p> <p>20 MS. ZWILLING: Whose cards were 12:20:00</p> <p>21 these; were these the village's cards?</p> <p>22 A. That doesn't make sense.</p> <p>23 Q. What is the card that you are</p> <p>24 referring to, the card that had the</p> <p>25 information recorded by Ocean Beach? 12:20:10</p>
<p style="text-align: right;">Page 136</p> <p>1 Sanchez</p> <p>2 A. It is called a roster card.</p> <p>3 Q. And who -- is the roster card a</p> <p>4 form that is filled in with specific</p> <p>5 information? 12:20:23</p> <p>6 MS. ZWILLING: Are you asking if</p> <p>7 it is a county form or are you asking if</p> <p>8 it is a village?</p> <p>9 Q. I am asking if it is a form of any</p> <p>10 kind? 12:20:28</p> <p>11 MS. ZWILLING: I think we already</p> <p>12 established that.</p> <p>13 A. It is an index card.</p> <p>14 Q. Does the index card have</p> <p>15 preprinted fields on it that are filled in? 12:20:37</p> <p>16 A. Yes.</p> <p>17 Q. Who creates the form of the index</p> <p>18 card?</p> <p>19 MR. NOVIKOFF: You mean the person</p> <p>20 who input it in the computer or handwrote 12:20:47</p> <p>21 it or --</p> <p>22 MS. ZWILLING: Who printed the</p> <p>23 form, is that what you are asking?</p> <p>24 Q. Yes.</p> <p>25 A. I would assume the County 12:20:52</p>	<p style="text-align: right;">Page 137</p> <p>1 Sanchez</p> <p>2 department --</p> <p>3 MS. ZWILLING: Don't assume.</p> <p>4 A. I don't know who printed the</p> <p>5 cards. 12:20:59</p> <p>6 Q. Who fills out the information on</p> <p>7 those cards?</p> <p>8 A. It is the responsibility of the</p> <p>9 clerical person and sometimes the analyst.</p> <p>10 Q. And when you say the clerical 12:21:10</p> <p>11 person, is that a clerical person --</p> <p>12 A. That is working with the</p> <p>13 jurisdiction as well as the analyst.</p> <p>14 Q. So a clerical person and analyst</p> <p>15 in the Civil Service Department? 12:21:20</p> <p>16 A. Yes.</p> <p>17 Q. Where do they obtain the</p> <p>18 information that is filled out on those forms?</p> <p>19 A. From the personnel transaction</p> <p>20 forms that are filled out by the jurisdiction. 12:21:33</p> <p>21 Q. Do you know whether there was a</p> <p>22 field on those form index cards that reflected</p> <p>23 the status of any applicable Civil Service</p> <p>24 examinations for the position that the</p> <p>25 individual held? 12:21:51</p>

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<p>1 Sanchez</p> <p>2 A. No.</p> <p>3 MR. NOVIKOFF: Perhaps you could</p> <p>4 just request the production of the card</p> <p>5 and that would answer all your questions 12:22:01</p> <p>6 pertaining to what forms are present on</p> <p>7 the card.</p> <p>8 MS. ZWILLING: And saved us twenty</p> <p>9 minutes.</p> <p>10 MR. NOVIKOFF: Yes. 12:22:07</p> <p>11 Q. To your knowledge would Civil</p> <p>12 Service take any steps to verify the</p> <p>13 information reported by the municipality that</p> <p>14 was filled in on the form index card?</p> <p>15 MS. ZWILLING: You mean other than 12:22:18</p> <p>16 asking the municipality for the</p> <p>17 information?</p> <p>18 MR. GRAFF: Yes.</p> <p>19 MR. NOVIKOFF: Objection.</p> <p>20 MS. ZWILLING: Isn't it enough 12:22:22</p> <p>21 that they ask for the municipality to</p> <p>22 provide the information truthfully?</p> <p>23 MR. NOVIKOFF: You got my</p> <p>24 objection, right?</p> <p>25 Q. When the municipality would report 12:22:28</p>	<p>1 Sanchez</p> <p>2 the information that would be filled in on the</p> <p>3 cards would that be information supported by</p> <p>4 any documentation?</p> <p>5 MS. ZWILLING: Whose 12:22:47</p> <p>6 documentation, by whom?</p> <p>7 Q. Any documentation from the</p> <p>8 municipality --</p> <p>9 MS. ZWILLING: Are you asking if</p> <p>10 the municipality supplies documentation 12:22:53</p> <p>11 along with the cards; is that your</p> <p>12 question?</p> <p>13 Q. Yes. Documentation in support of</p> <p>14 the cards?</p> <p>15 A. On occasion. It depended on the 12:23:01</p> <p>16 transaction.</p> <p>17 MR. NOVIKOFF: Are you done with</p> <p>18 your answer?</p> <p>19 THE WITNESS: Yes.</p> <p>20 MR. NOVIKOFF: Are you catching my 12:23:14</p> <p>21 objections?</p> <p>22 THE VIDEOGRAPHER: Yes.</p> <p>23 MS. ZWILLING: Also will say if it</p> <p>24 will circumvent all of this, we are happy</p> <p>25 to produce the cards and the underlying 12:23:20</p>
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<p>1 Sanchez</p> <p>2 documentation with the plaintiff's</p> <p>3 consent, their personnel records.</p> <p>4 MR. NOVIKOFF: And Mr. Hesse's</p> <p>5 consent. 12:23:35</p> <p>6 MS. ZWILLING: And Mr. Hesse's</p> <p>7 consent. Well, if he doesn't consent we</p> <p>8 will --</p> <p>9 MR. GRAFF: We will address that</p> <p>10 off the record. 12:23:42</p> <p>11 MS. ZWILLING: That is not a</p> <p>12 matter of off the record.</p> <p>13 MR. NOVIKOFF: Do you want the</p> <p>14 cards or not?</p> <p>15 MR. GRAFF: I would like the 12:23:53</p> <p>16 cards, but we can discuss the particulars</p> <p>17 of consent off the record.</p> <p>18 MR. NOVIKOFF: Are you making a</p> <p>19 formal request for the plaintiff's cards</p> <p>20 and Mr. Hesse's cards? 12:24:03</p> <p>21 MR. GRAFF: I think it should be</p> <p>22 clear that I am not, and indicating that</p> <p>23 I would like to discuss it off the</p> <p>24 record.</p> <p>25 MS. ZWILLING: Okay, fine. So 12:24:11</p>	<p>1 Sanchez</p> <p>2 there is no demand for the cards and the</p> <p>3 supporting documentation.</p> <p>4 I am going to need to take a break</p> <p>5 soon. I have a court appearance at 2 12:24:22</p> <p>6 o'clock which I am going to have to</p> <p>7 find someone else to cover for me if you</p> <p>8 are going to be done by 1:30.</p> <p>9 MR. GRAFF: Would you like to take</p> <p>10 a break now? 12:24:29</p> <p>11 MS. ZWILLING: What time is it?</p> <p>12 THE WITNESS: 12:25.</p> <p>13 MS. ZWILLING: Let's go another</p> <p>14 few minutes.</p> <p>15 MR. NOVIKOFF: Will you be done by 12:24:43</p> <p>16 1:30?</p> <p>17 MR. GRAFF: I will not likely</p> <p>18 conclude in the next hour.</p> <p>19 Q. Ms. Sanchez, I think this will</p> <p>20 only take a few minutes until Ms. Zwilling is 12:24:57</p> <p>21 ready for a break. If I could ask you to turn</p> <p>22 your attention to a two-page document that has</p> <p>23 been marked as Sanchez Exhibit 4, produced by</p> <p>24 the County. No Bates numbers.</p> <p>25 Ms. Sanchez, when you had a moment 12:25:18</p>

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<p>1 Sanchez</p> <p>2 to review the document can you tell me if you</p> <p>3 recognize the document?</p> <p>4 A. I do.</p> <p>5 Q. Can you identify the document? 12:25:22</p> <p>6 A. Specifications for Suffolk County</p> <p>7 Civil Service title police officer part-time</p> <p>8 seasonal.</p> <p>9 Q. If I could direct your attention</p> <p>10 to the second page of the document, the first 12:25:41</p> <p>11 subheading in capital letters underlined</p> <p>12 states: Limitations on part-time employment.</p> <p>13 My question is when you have had a</p> <p>14 chance to review the text under that</p> <p>15 subheading whether or not to your knowledge 12:25:57</p> <p>16 these limitations apply to the part-time</p> <p>17 employment of police officers at Ocean Beach</p> <p>18 during your service as a personnel analyst?</p> <p>19 MR. NOVIKOFF: When you say</p> <p>20 part-time do you mean part-time/seasonal, 12:26:07</p> <p>21 because you are referring to the</p> <p>22 part-time employment or limitations on</p> <p>23 seasonal --</p> <p>24 MR. GRAFF: Top heading,</p> <p>25 limitations on part-time employment. 12:26:20</p>	<p>1 Sanchez</p> <p>2 A. What was your question?</p> <p>3 Q. Whether or not these limitations</p> <p>4 to your knowledge apply to the part-time</p> <p>5 employment of police officers at Ocean Beach 12:26:31</p> <p>6 during your employment as a personnel analyst?</p> <p>7 A. That did apply.</p> <p>8 MR. NOVIKOFF: I will just note</p> <p>9 for the record that this document on page</p> <p>10 2 is dated 04/05/04. So it would seem to 12:26:41</p> <p>11 indicate by the face of the second page</p> <p>12 that it only applied from that date going</p> <p>13 forward. So I will object to the prior</p> <p>14 question.</p> <p>15 Q. To your knowledge did these 12:26:56</p> <p>16 limitations on part-time employment apply to</p> <p>17 the part-time employment of police officers at</p> <p>18 Ocean Beach throughout the period of your</p> <p>19 service as personnel analyst?</p> <p>20 A. Yes. 12:27:11</p> <p>21 Q. And the second subheading, the</p> <p>22 last subheading on -- which is the second</p> <p>23 subheading on the second page states:</p> <p>24 Limitations on seasonal employment, and it has</p> <p>25 some text underneath it. Ms. Sanchez, when 12:27:28</p>
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<p>1 Sanchez</p> <p>2 you had a chance to read what it states there</p> <p>3 could you tell me to your knowledge were these</p> <p>4 limitations on seasonal employment applicable</p> <p>5 to the seasonal employment of police officers 12:27:35</p> <p>6 at Ocean Beach throughout the period of your</p> <p>7 employment as personnel analyst?</p> <p>8 A. Yes.</p> <p>9 MR. GRAFF: Off the record.</p> <p>10 THE VIDEOGRAPHER: The time is 12:27:52</p> <p>11 12:27. We are off the record.</p> <p>12 (Luncheon recess taken.)</p> <p>13 (Time noted: 12:27 p.m.)</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>1 Sanchez</p> <p>2 AFTERNOON SESSION</p> <p>3 (Time noted: 1:54 p.m.)</p> <p>4 ALLISON SANCHEZ, resumed</p> <p>5 and testified as follows:</p> <p>6 EXAMINATION BY (Cont'd.)</p> <p>7 MR. GRAFF:</p> <p>8 THE VIDEOGRAPHER: The time is</p> <p>9 1:54, we are on the record.</p> <p>10 Q. Ms. Sanchez, did you have any 13:54:45</p> <p>11 interviews as part of your application for the</p> <p>12 personnel analyst position with Suffolk</p> <p>13 County?</p> <p>14 A. Yes.</p> <p>15 Q. How many such interviews did you 13:55:00</p> <p>16 have?</p> <p>17 A. It was one interview with a panel</p> <p>18 of senior personnel in the department.</p> <p>19 Q. Do you recall who the members of</p> <p>20 the panel were? 13:55:14</p> <p>21 A. Florence Dimino, Alan Schneider,</p> <p>22 Phil Cohen, Barbara Smith, Cynthia DeStefano.</p> <p>23 Possibly Stan Pelc, but I am not sure about</p> <p>24 that one.</p> <p>25 MR. NOVIKOFF: Let me renew my 13:55:33</p>

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<p>1 Sanchez</p> <p>2 application for costs and fees. I cannot</p> <p>3 imagine the relevance of this witness'</p> <p>4 interviewing process to any of the claims</p> <p>5 in this case. But I can't tell her not 13:55:44</p> <p>6 to answer.</p> <p>7 MR. GRAFF: That has been noted.</p> <p>8 Q. What position did Stan Pelc hold?</p> <p>9 MS. ZWILLING: At what time?</p> <p>10 Q. At the time that she interviewed 13:55:56</p> <p>11 with him?</p> <p>12 MR. NOVIKOFF: Does she know what</p> <p>13 position he held?</p> <p>14 Q. Do you know what position Stan</p> <p>15 Peck held at the time that he interviewed you? 13:56:04</p> <p>16 A. No.</p> <p>17 Q.. Do you know what position he held</p> <p>18 at any point during your employment as</p> <p>19 personnel analyst?</p> <p>20 A. I think he was a principal 13:56:12</p> <p>21 personnel analyst.</p> <p>22 Q. I may have misheard, did you say</p> <p>23 that Philip Cohen was always one of the</p> <p>24 members of the panel?</p> <p>25 A. Yes. 13:56:30</p>	<p>1 Sanchez</p> <p>2 Q. Do you recall what position Phil</p> <p>3 Cohen held?</p> <p>4 A. Principal personnel analyst.</p> <p>5 Q. Was that at the time that he 13:56:36</p> <p>6 interviewed you that he held that position?</p> <p>7 A. Yes.</p> <p>8 Q. And did he hold that same position</p> <p>9 throughout your employment as personnel</p> <p>10 analyst? 13:56:45</p> <p>11 A. Yes.</p> <p>12 Q. What is the difference if you can</p> <p>13 explain between a personnel analyst and a</p> <p>14 principal personnel analyst in the context of</p> <p>15 Suffolk County Civil Service? 13:56:52</p> <p>16 A. Principal personnel analyst</p> <p>17 started as a personnel analyst who then got</p> <p>18 promoted to a senior analyst and then gets</p> <p>19 promoted to a principal personnel analyst</p> <p>20 which is a position that is supervisory in 13:57:06</p> <p>21 nature.</p> <p>22 RQ Q. And just to note for the record,</p> <p>23 to the extent that there is any org. charts</p> <p>24 that reflect the various positions that didn't</p> <p>25 appear to be reflected on what was marked as 13:57:25</p>
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<p>1 Sanchez</p> <p>2 Sanchez Exhibit 1, we would call for the</p> <p>3 production.</p> <p>4 MS. ZWILLING: I believe it is a</p> <p>5 matter of public record. 13:57:31</p> <p>6 MR. NOVIKOFF: What is an org.</p> <p>7 chart?</p> <p>8 MR. CONNOLLY: Organization chart.</p> <p>9 Q. Do you recall that before the</p> <p>10 lunch break you had been giving some testimony 13:57:43</p> <p>11 involving index card reporting forms, do you</p> <p>12 recall what I am referring to?</p> <p>13 A. Yes.</p> <p>14 Q. Other than those reporting forms</p> <p>15 were there any other forms that were used for 13:57:52</p> <p>16 reporting personnel information by the Village</p> <p>17 of Ocean Beach to Suffolk County?</p> <p>18 MR. NOVIKOFF: Objection. You are</p> <p>19 asking her if she knew of any forms that</p> <p>20 were used by Ocean Beach even if they 13:58:08</p> <p>21 never got to her?</p> <p>22 MR. GRAFF: No. Forms that got to</p> <p>23 her, if those were the only reporting</p> <p>24 forms.</p> <p>25 A. Ocean Beach did not use the roster 13:58:15</p>	<p>1 Sanchez</p> <p>2 card to which we were referring before. Ocean</p> <p>3 Beach reported their personnel transactions on</p> <p>4 a form called a CS-150.</p> <p>5 Q. And would Ocean Beach complete or 13:58:32</p> <p>6 fill out the CS-150 forms and transmit the</p> <p>7 actual forms to you?</p> <p>8 A. They would mail them to me after</p> <p>9 their completion.</p> <p>10 Q. Were there any forms other than 13:58:42</p> <p>11 CS-150 that were involved in reporting</p> <p>12 personnel information to you?</p> <p>13 MR. NOVIKOFF: Objection.</p> <p>14 MS. ZWILLING: By the Village of</p> <p>15 Ocean Beach? 13:58:52</p> <p>16 MR. GRAFF: Yes.</p> <p>17 MR. NOVIKOFF: Objection.</p> <p>18 A. No other Civil Service forms, no.</p> <p>19 Q. Were there any other forms that</p> <p>20 would be filled out other than Civil Service 13:59:01</p> <p>21 forms that would be filled out by Ocean Beach</p> <p>22 and sent to you?</p> <p>23 MR. NOVIKOFF: Objection.</p> <p>24 A. They would -- there was no other</p> <p>25 forms. They would sometimes create their own 13:59:11</p>

<p style="text-align: right;">Page 150</p> <p>1 Sanchez</p> <p>2 chart to document the information that they</p> <p>3 were trying to give to me in lieu of filling</p> <p>4 out a CS-150 to supplement it.</p> <p>5 Q. And after the information from the 13:59:25</p> <p>6 CS-150 would be transferred to the index card</p> <p>7 reporting form -- actually first let me ask,</p> <p>8 is there a better name for that?</p> <p>9 A. Roster card.</p> <p>10 Q.. Roster card. After the CS-150 13:59:38</p> <p>11 information would be transferred to the roster</p> <p>12 card would the roster card or any copy of it</p> <p>13 ever be sent back to Ocean Beach?</p> <p>14 MS. ZWILLING: Objection. There</p> <p>15 has been no testimony that the 13:59:49</p> <p>16 information from the paperwork supplied</p> <p>17 by the village was transferred on to the</p> <p>18 roster card?</p> <p>19 MR. NOVIKOFF: I join in the</p> <p>20 objection. 13:59:59</p> <p>21 Q. Ms. Sanchez, was the information</p> <p>22 reported on the CS-150 transferred to the</p> <p>23 roster cards?</p> <p>24 A. After I would review it, the</p> <p>25 CS-150, and approve or disapprove their 14:00:10</p>	<p style="text-align: right;">Page 151</p> <p>1 Sanchez</p> <p>2 transactions I would then submit that form to</p> <p>3 my supervisor who would review it for</p> <p>4 correctness and approval. From there he would</p> <p>5 then submit it to the clerical person who 14:00:24</p> <p>6 would transmit the information that was on the</p> <p>7 form on to the roster card.</p> <p>8 Q. Okay. And after the roster cards</p> <p>9 were filled out did they get sent anywhere</p> <p>10 outside of the Civil Service Department? 14:00:38</p> <p>11 A. The roster card did not.</p> <p>12 Q. Do you know who Maryann Minerva</p> <p>13 is?</p> <p>14 A. Yes.</p> <p>15 Q. Who is Maryann Minerva? 14:00:48</p> <p>16 A. She, I think she was the</p> <p>17 administrator who took over at the Village of</p> <p>18 Ocean Beach after the first person whose name</p> <p>19 I don't remember.</p> <p>20 Q. She is one of the two women in the 14:01:04</p> <p>21 village office whose names you didn't remember</p> <p>22 earlier today?</p> <p>23 A. Yes.</p> <p>24 Q. And did she take over if you</p> <p>25 remember at some point after you began working 14:01:12</p>
<p style="text-align: right;">Page 152</p> <p>1 Sanchez</p> <p>2 as a personnel analyst and were assigned to</p> <p>3 the Ocean Beach jurisdiction?</p> <p>4 A. Yes.</p> <p>5 Q. Do you recall whether it was 14:01:19</p> <p>6 communicated to you at any point whether the</p> <p>7 reporting problems at Ocean Beach had begun at</p> <p>8 any specific time; that is how long there had</p> <p>9 been no reporting problems at Ocean Beach at</p> <p>10 the time that you took over jurisdiction of 14:01:39</p> <p>11 Ocean Beach?</p> <p>12 MR. NOVIKOFF: Objection to the</p> <p>13 form.</p> <p>14 A. Can you rephrase that, I don't</p> <p>15 understand what you are asking. 14:01:46</p> <p>16 Q. Yes.. Earlier today I believe you</p> <p>17 had testified that it was communicated to you</p> <p>18 when you took over the jurisdiction of Ocean</p> <p>19 Beach that there were reporting problems with</p> <p>20 personnel at Ocean Beach; is that correct? 14:01:57</p> <p>21 MR. NOVIKOFF: Objection. Her</p> <p>22 testimony is what it was.</p> <p>23 Q. Is that accurate?</p> <p>24 MR. NOVIKOFF: Objection.</p> <p>25 MS. ZWILLING: Objection. 14:02:04</p>	<p style="text-align: right;">Page 153</p> <p>1 Sanchez</p> <p>2 MR. NOVIKOFF: Don't characterize</p> <p>3 her testimony.</p> <p>4 Q. We can go through it again. Was</p> <p>5 it reported to you at or around the time that 14:02:10</p> <p>6 the jurisdiction of Ocean Beach became part of</p> <p>7 your responsibilities as a personnel analyst,</p> <p>8 was it reported to you that there were</p> <p>9 problems with personnel reporting by Ocean</p> <p>10 Beach to Civil Service? 14:02:29</p> <p>11 A. Yes. Mary Biglan had expressed</p> <p>12 that to me.</p> <p>13 Q. Did Mary Biglan indicate to you</p> <p>14 how long there had been those reporting</p> <p>15 problems? 14:02:39</p> <p>16 A. No.</p> <p>17 Q. Do you recall whether -- strike</p> <p>18 that..</p> <p>19 Do you recall any specific</p> <p>20 interactions that you had with Maryann Minerva 14:02:51</p> <p>21 as part of your job duties as personnel</p> <p>22 analyst?</p> <p>23 A. Specific?</p> <p>24 Q. Any specific issues that you</p> <p>25 addressed with her, yes? 14:03:03</p>

<p style="text-align: right;">Page 154</p> <p>1 Sanchez</p> <p>2 MR. NOVIKOFF: Objection.</p> <p>3 Different question. Objection as to</p> <p>4 form.</p> <p>5 A. No. 14:03:11</p> <p>6 Q. As far as you know has anyone at</p> <p>7 Suffolk County Civil Service ever directed</p> <p>8 anyone at Ocean Beach to terminate or end the</p> <p>9 employment of any employee based on that</p> <p>10 employee's failure to satisfy Civil Service 14:03:32</p> <p>11 specifications?</p> <p>12 MR. NOVIKOFF: Objection to form.</p> <p>13 No foundation.</p> <p>14 A. There was an employee whose name I</p> <p>15 don't remember who was working there, she had 14:03:55</p> <p>16 been working there for a while before I ever</p> <p>17 was given the jurisdiction. So she didn't</p> <p>18 meet the minimum qualifications for the</p> <p>19 specification, the title that she was hired</p> <p>20 under. 14:04:17</p> <p>21 So I notified the jurisdiction</p> <p>22 that that person was not qualified to be in</p> <p>23 that position based on not meeting the minimum</p> <p>24 qualifications, and that it wouldn't be</p> <p>25 allowed to retain her in that title. 14:04:33</p>	<p style="text-align: right;">Page 155</p> <p>1 Sanchez</p> <p>2 Q. When you say you notified the</p> <p>3 jurisdiction, did you notify any specific</p> <p>4 individual?</p> <p>5 MR. NOVIKOFF: As opposed to 14:04:48</p> <p>6 sending a to whom it may concern letter?</p> <p>7 Q. Or something more generic, yes,</p> <p>8 was the notification addressed to a specific</p> <p>9 person?</p> <p>10 A. Yes. 14:04:57</p> <p>11 Q. And who was that?</p> <p>12 A. I don't remember.</p> <p>13 Q. Do you recall what the position of</p> <p>14 the employee in question was?</p> <p>15 A. Something like historian.. 14:05:03</p> <p>16 Something like that.</p> <p>17 Q. If I said archivist would that</p> <p>18 refresh your recollection?</p> <p>19 A. Yes.</p> <p>20 Q. Was it archivist? 14:05:12</p> <p>21 A. I think it was archivist.</p> <p>22 Q. Other than that archivist to your</p> <p>23 knowledge have there been any other employees</p> <p>24 who were notified -- strike that.</p> <p>25 Other than that archivist to your 14:05:26</p>
<p style="text-align: right;">Page 156</p> <p>1 Sanchez</p> <p>2 knowledge has Suffolk County Civil Service</p> <p>3 ever notified Ocean Beach that the employment</p> <p>4 of any employee could not continue based on</p> <p>5 failure to comply with Civil Service 14:05:39</p> <p>6 specifications?</p> <p>7 MR. NOVIKOFF: Objection as to the</p> <p>8 characterization of her answer to your</p> <p>9 question.</p> <p>10 A. No. 14:05:45</p> <p>11 Q. Do you recall what the particular</p> <p>12 specifications were that the archivist had not</p> <p>13 satisfied?</p> <p>14 A. I don't remember what the minimum</p> <p>15 qualifications were on that specification, but 14:06:02</p> <p>16 whatever they were she didn't have that</p> <p>17 experience.</p> <p>18 Q. And to your knowledge did Ocean</p> <p>19 Beach discontinue the employment of that</p> <p>20 person who had been an archivist in the 14:06:12</p> <p>21 capacity of archivist?</p> <p>22 A. Yes.</p> <p>23 Q. To your knowledge did the employee</p> <p>24 who had been an archivist continue in the</p> <p>25 employ of Ocean Beach under a different title? 14:06:22</p>	<p style="text-align: right;">Page 157</p> <p>1 Sanchez</p> <p>2 A. Not to my knowledge.</p> <p>3 Q. Do you know who Alan Loeffler is?</p> <p>4 A. I know the name.</p> <p>5 Q. And in what context do you know 14:06:34</p> <p>6 the name?</p> <p>7 A. I am not sure if I remember</p> <p>8 correctly, I think that there was more than</p> <p>9 one Loeffler. I don't know if I remember that</p> <p>10 correctly. I know there was one that was a 14:06:51</p> <p>11 mayor or a police officer, I don't remember</p> <p>12 for sure.</p> <p>13 Q. I ask the court reporter to please</p> <p>14 mark as Sanchez Exhibit 5, a one-page document</p> <p>15 produced by Ocean Beach bearing Bates number 14:07:11</p> <p>16 005769.</p> <p>17 (Sanchez Exhibit 5, one-page</p> <p>18 document produced by Ocean Beach bearing</p> <p>19 Bates number 005769, marked for</p> <p>20 identification, as of this date.) 14:07:44</p> <p>21 Q. Ms. Sanchez, if you could take a</p> <p>22 minute to look over the document and just let</p> <p>23 me know when you have had a chance to review</p> <p>24 it.</p> <p>25 A. Okay. 14:08:11</p>

<p style="text-align: right;">Page 158</p> <p>1 Sanchez</p> <p>2 Q. Have you ever seen this particular</p> <p>3 document before?</p> <p>4 A. Yes.</p> <p>5 Q. When did you first see this 14:08:14</p> <p>6 document?</p> <p>7 A. Shortly after it was written.</p> <p>8 Q. Could you -- were you involved in</p> <p>9 the drafting of the document?</p> <p>10 A. No. 14:08:27</p> <p>11 Q. In what context did you come to</p> <p>12 see the document?</p> <p>13 A. It was part of the records which I</p> <p>14 was overseeing in my file drawer, and I was</p> <p>15 involved with attempting to get a copy from 14:08:44</p> <p>16 George Hesse, a copy of the police officer</p> <p>17 certification certificate to show that he had</p> <p>18 completed the academy. And so I was in</p> <p>19 contact with George Hesse trying to get that</p> <p>20 certificate, and upon not being able to 14:09:06</p> <p>21 retrieve a copy of such because I believe that</p> <p>22 George Hesse could not locate a copy in his</p> <p>23 records, and we were also in contact with the</p> <p>24 Suffolk County Police Academy who was also</p> <p>25 unable to retrieve a copy to prove that he had 14:09:23</p>	<p style="text-align: right;">Page 159</p> <p>1 Sanchez</p> <p>2 completed the academy.</p> <p>3 Q. And just to clarify, when you say</p> <p>4 to prove that he had completed the academy,</p> <p>5 are you referring to he as Alan Loeffler who 14:09:35</p> <p>6 is referenced in this document?</p> <p>7 A. Yes, Alan Loeffler.</p> <p>8 Q. The very first sentence of the</p> <p>9 document reads: We recently received a copy</p> <p>10 of the letter from -- 14:09:48</p> <p>11 MR. NOVIKOFF: The document says</p> <p>12 what it says, Ari. If you have a</p> <p>13 question just ask it.</p> <p>14 Q. -- from NYS Division of Criminal</p> <p>15 Justice Services. 14:09:58</p> <p>16 Mr. Sanchez, do you know what NYS</p> <p>17 Division of Criminal Justice Service is?</p> <p>18 A. I know now who they are. At the</p> <p>19 time that this letter was written I did not.</p> <p>20 Q. As far as you know what is the NYS 14:10:11</p> <p>21 Division of Criminal Justice Services?</p> <p>22 A. DCJS, they oversee -- I don't know</p> <p>23 how to word it, the criminal justice matters</p> <p>24 as far as it pertains to police agencies in</p> <p>25 the state. Procedures and the laws that 14:10:36</p>
<p style="text-align: right;">Page 160</p> <p>1 Sanchez</p> <p>2 govern what was supposed to be doing.</p> <p>3 Q. How did you come to learn of what</p> <p>4 that entity is?</p> <p>5 A. Through my job as a probation 14:10:47</p> <p>6 officer.</p> <p>7 Q.. The third sentence of the first</p> <p>8 paragraph states: Although we have previously</p> <p>9 approved the appointment of Mr. Loeffler, the</p> <p>10 police officer training certificate is a legal 14:11:04</p> <p>11 requirement for continued employment.</p> <p>12 Ms. Sanchez, as you sit here today</p> <p>13 do you have an understanding of what the</p> <p>14 statement legal requirement for continued</p> <p>15 employment as it appears in this document 14:11:18</p> <p>16 means?</p> <p>17 MS. ZWILLING: Objection, but if</p> <p>18 she can answer yes or no I am going to</p> <p>19 let her.</p> <p>20 A. Yes. 14:11:26</p> <p>21 Q. And what is your understanding of</p> <p>22 what that means in this context?</p> <p>23 MS. ZWILLING: Objection. What</p> <p>24 she understands someone else's comments</p> <p>25 mean to a third-party is not relevant. 14:11:34</p>	<p style="text-align: right;">Page 161</p> <p>1 Sanchez</p> <p>2 MR.. NOVIKOFF: I would agree.</p> <p>3 MS. ZWILLING: If you want to know</p> <p>4 what Phil Cohen meant when he made that</p> <p>5 statement I think you need to take his 14:11:47</p> <p>6 deposition.</p> <p>7 MR. GRAFF: The witness has</p> <p>8 indicated that this was a document that</p> <p>9 she had seen in the context of her</p> <p>10 employment, all I am asking -- 14:11:55</p> <p>11 MS. ZWILLING: That doesn't mean</p> <p>12 that she can read the mind of the author.</p> <p>13 MR. GRAFF: I am not asking her</p> <p>14 about the mind of the author, I am asking</p> <p>15 when she saw this for the first time if 14:12:02</p> <p>16 she can clarify more specifically.</p> <p>17 Q. Did you understand -- did you have</p> <p>18 an understanding yourself of what that</p> <p>19 referred to?</p> <p>20 MS. ZWILLING: Asked and answered. 14:12:14</p> <p>21 She said she did.</p> <p>22 MR. NOVIKOFF: I am still trying</p> <p>23 to figure out the relevancy of that</p> <p>24 question to this case is. The issue</p> <p>25 pertaining to Alan Loeffler may have 14:12:23</p>

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<p>1 Sanchez</p> <p>2 relevance to your allegation, I am not a</p> <p>3 mind reader, but this witness' answer to</p> <p>4 that question, you don't need a mind</p> <p>5 reader to figure out that there is no 14:12:32</p> <p>6 relevance to your allegations.</p> <p>7 MR. GRAFF: Ms. Zwilling, are you</p> <p>8 going to let the witness answer the</p> <p>9 question --</p> <p>10 MS. ZWILLING: Why don't you 14:12:40</p> <p>11 re-ask the question.</p> <p>12 Q. What is your understanding of what</p> <p>13 legal requirement for continued employment is</p> <p>14 in the context that it appears in this</p> <p>15 document? 14:12:50</p> <p>16 MR. NOVIKOFF: Objection.</p> <p>17 A. That there are things that they</p> <p>18 are legally required to do in order to</p> <p>19 continue their employment.</p> <p>20 Q. To your knowledge was a police 14:12:58</p> <p>21 officer training certificate a legal</p> <p>22 requirement for continued employment as a</p> <p>23 police officer at Ocean Beach during the time</p> <p>24 that you served as a personnel analyst?</p> <p>25 A. Yes. 14:13:14</p>	<p>1 Sanchez</p> <p>2 DI Q. Were there any other legal</p> <p>3 requirements for continued employment at Ocean</p> <p>4 Beach that you are aware of?</p> <p>5 MS. ZWILLING: Objection. We went 14:13:21</p> <p>6 through this this morning. There was</p> <p>7 lengthy discussion about the fact that</p> <p>8 among the minimum qualifications is that</p> <p>9 after appointment the proposed police</p> <p>10 officer must complete the police academy. 14:13:35</p> <p>11 We are now going back through the same</p> <p>12 material in the context of a letter by</p> <p>13 someone other than the witness.</p> <p>14 It has all been covered and she</p> <p>15 has nothing further to say with regards 14:13:48</p> <p>16 to a letter that she didn't write.</p> <p>17 MR. NOVIKOFF: I join.</p> <p>18 MR. GRAFF: Will you let the</p> <p>19 witness respond to the question?</p> <p>20 MS. ZWILLING: Well, if it is a 14:13:56</p> <p>21 proper question I can. If not it is my</p> <p>22 responsibility to object.</p> <p>23 MR. GRAFF: Okay.</p> <p>24 MS. ZWILLING: Now what her</p> <p>25 opinion on the law is is not a proper 14:14:04</p>
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<p>1 Sanchez</p> <p>2 subject of inquiry. What she believes</p> <p>3 somebody may have had in their mind at</p> <p>4 the time they authored a document is</p> <p>5 similarly not a proper subject of 14:14:13</p> <p>6 inquiry.</p> <p>7 MR. GRAFF: If we can mark the</p> <p>8 transcript at this point.</p> <p>9 MS. ZWILLING: What are we</p> <p>10 marking; I am simply asking you to 14:14:24</p> <p>11 rephrase the question. There isn't</p> <p>12 anything to mark.</p> <p>13 MR. NOVIKOFF: I think he is</p> <p>14 marking the fact that she didn't answer</p> <p>15 the question yet. Is that what you are 14:14:30</p> <p>16 marking Ari?</p> <p>17 MR. GRAFF: Yes.</p> <p>18 MR. NOVIKOFF: I can't wait for</p> <p>19 this motion.</p> <p>20 Q. Ms. Sanchez, to the extent that 14:14:36</p> <p>21 any employee at Ocean Beach had questions</p> <p>22 about Civil Service specifications that may</p> <p>23 have been applicable to Ocean Beach, do you</p> <p>24 know if there was anybody at Suffolk County</p> <p>25 Civil Service who they could have contacted 14:15:01</p>	<p>1 Sanchez</p> <p>2 and appropriately addressed their question to?</p> <p>3 MR. NOVIKOFF: Objection. Are you</p> <p>4 talking about the receptionist,</p> <p>5 secretary, who; when you say -- 14:15:11</p> <p>6 A. It depends on the question.</p> <p>7 MS. ZWILLING: The reason I didn't</p> <p>8 object is the question is potentially</p> <p>9 anybody.</p> <p>10 MR. NOVIKOFF: Anyone that picks 14:15:19</p> <p>11 up the phone.</p> <p>12 A. The law is the law. Anybody can</p> <p>13 answer the question. Being that it is my</p> <p>14 jurisdiction they could call me or my</p> <p>15 supervisors or any other analyst in the 14:15:29</p> <p>16 department.</p> <p>17 Q. Okay. Not a lot more on this</p> <p>18 document. If you turn your attention please</p> <p>19 to the second paragraph, the second full</p> <p>20 sentence states: Continued employment would 14:15:46</p> <p>21 be a violation of New York State Civil Service</p> <p>22 Law?</p> <p>23 A. Yes.</p> <p>24 Q. Do you know what that is referring</p> <p>25 to in the context of this document? 14:15:56</p>

<p style="text-align: right;">Page 166</p> <p>1 Sanchez</p> <p>2 MS. ZWILLING: Objection. The</p> <p>3 witness did not write this document. It</p> <p>4 calls for a legal conclusion. She is not</p> <p>5 an attorney, she is not your expert and 14:16:04</p> <p>6 she is not going to interpret statements</p> <p>7 regarding the law made by other persons?</p> <p>8 MR. NOVIKOFF: I join in.</p> <p>9 MR. GRAFF: Can the testimony</p> <p>10 continue subject to your objection? 14:16:18</p> <p>11 MS. ZWILLING: I would suggest</p> <p>12 that you question around that, to phrase</p> <p>13 your questions to get relevant</p> <p>14 information that do not ask the witness</p> <p>15 to give legal analysis. 14:16:28</p> <p>16 MR. NOVIKOFF: There are multiple</p> <p>17 ways in which you can accomplish that</p> <p>18 Ari.</p> <p>19 Q. Was Philip Cohen in his capacity</p> <p>20 as principal personnel analyst your direct 14:16:43</p> <p>21 supervisor?</p> <p>22 A. Yes.</p> <p>23 Q. Did you ever have any</p> <p>24 communications with Mr.. Cohen specifically</p> <p>25 about this document which has been marked as 14:16:52</p>	<p style="text-align: right;">Page 167</p> <p>1 Sanchez</p> <p>2 Sanchez Exhibit 5?</p> <p>3 A. Yes.</p> <p>4 Q. And in substance what do you</p> <p>5 recall of what was communicated between you 14:17:00</p> <p>6 and Mr. Cohen with respect to this document?</p> <p>7 A. I don't recall any of that</p> <p>8 conversation.</p> <p>9 Q. If you had --</p> <p>10 MR. NOVIKOFF: Objection. 14:17:19</p> <p>11 MR. GRAFF: Noted.</p> <p>12 Q. If you had read this and wanted to</p> <p>13 follow up on the statement continued</p> <p>14 employment would be a violation of New York</p> <p>15 Civil Service Law to find out what it means, 14:17:29</p> <p>16 who would you have asked in Civil Service?</p> <p>17 MS. ZWILLING: Objection.</p> <p>18 MR. NOVIKOFF: Objection.</p> <p>19 Q. Who would know what that means?</p> <p>20 MR. NOVIKOFF: Objection. 14:17:38</p> <p>21 MS.. ZWILLING: Obviously the</p> <p>22 person who made the statement would know</p> <p>23 what it means. So if you want to ask her</p> <p>24 who her supervisor is or who their</p> <p>25 supervisor is, that is fine, but to ask 14:17:48</p>
<p style="text-align: right;">Page 168</p> <p>1 Sanchez</p> <p>2 her hypotheticals based on facts which we</p> <p>3 have now established did not occur is not</p> <p>4 a proper question.</p> <p>5 Why don't you ask her who Philip 14:17:58</p> <p>6 Cohen's supervisor is.</p> <p>7 MR. GRAFF: I could ask that</p> <p>8 question, but that is not the question</p> <p>9 that I have posed.</p> <p>10 MS. ZWILLING: That doesn't mean 14:18:07</p> <p>11 that your question is proper.</p> <p>12 MR. NOVIKOFF: You have basically</p> <p>13 asked her, Ari, who if she knows at Civil</p> <p>14 Service would have an understanding as to</p> <p>15 what the words violation of the Civil 14:18:15</p> <p>16 Service Law means.</p> <p>17 MR. GRAFF: In this context</p> <p>18 perhaps there is --</p> <p>19 MR. NOVIKOFF: But in this context</p> <p>20 means who else looked at this letter. 14:18:24</p> <p>21 You have not established that foundation.</p> <p>22 MR. GRAFF: Perhaps there was an</p> <p>23 attorney with whom Ms. Sanchez could</p> <p>24 have --</p> <p>25 MS. ZWILLING: Why don't you ask 14:18:31</p>	<p style="text-align: right;">Page 169</p> <p>1 Sanchez</p> <p>2 her if there was an attorney on staff</p> <p>3 that she consults with.</p> <p>4 Q. Ms. Sanchez, other than Philip</p> <p>5 Cohen was there anybody with expertise in 14:18:40</p> <p>6 Civil Service Law who you were aware of that</p> <p>7 you could have consulted to obtain further</p> <p>8 information about this statement at the Civil</p> <p>9 Service Department?</p> <p>10 MS. ZWILLING: I am just going to 14:18:53</p> <p>11 object since it is not her statement, but</p> <p>12 she can answer the question.</p> <p>13 MR. NOVIKOFF: Objection as to</p> <p>14 asking this person as to who may have</p> <p>15 expertise in the Civil Service Law, 14:19:04</p> <p>16 whatever expertise means. I object to</p> <p>17 the form of the question.</p> <p>18 MR. CONNOLLY: Objection to the</p> <p>19 characterization that Mr. Cohen is an</p> <p>20 expert. 14:19:19</p> <p>21 MS. ZWILLING: Why don't you just</p> <p>22 ask her what the chain of command is over</p> <p>23 there. I mean you have been driving</p> <p>24 around that and circling over that all</p> <p>25 day across 30 different questions. But 14:19:26</p>

<p style="text-align: right;">Page 170</p> <p>1 Sanchez</p> <p>2 if you just asked her what the chain of</p> <p>3 command is we would have it all out there</p> <p>4 at once.</p> <p>5 MR. GRAFF: Let's try it that way 14:19:30</p> <p>6 as you suggested..</p> <p>7 MR. NOVIKOFF: Once again your</p> <p>8 suggestion is taken.</p> <p>9 Q. What was the chain of command in</p> <p>10 the Civil Service Department during your 14:19:39</p> <p>11 employment as personnel analyst?</p> <p>12 A. Philip Cohen was my supervisor and</p> <p>13 his supervisor was Cynthia DeStefano, I don't</p> <p>14 remember what her exact title is, and her</p> <p>15 supervisor was Alan Schneider who was the 14:19:59</p> <p>16 Personnel Director of Suffolk County.</p> <p>17 Q. Are either of the three</p> <p>18 individuals who you just mentioned attorneys?</p> <p>19 A. Not that I am aware of.</p> <p>20 Q. Was there an attorney in the Civil 14:20:11</p> <p>21 Service Department who you ever addressed any</p> <p>22 questions about Civil Service legal</p> <p>23 requirements to during your employment as</p> <p>24 personnel analyst?</p> <p>25 A. No. 14:20:24</p>	<p style="text-align: right;">Page 171</p> <p>1 Sanchez</p> <p>2 Q. To your knowledge was there an</p> <p>3 attorney in the Civil Service Department who</p> <p>4 you could have addressed such questions to?</p> <p>5 MR. NOVIKOFF: Assuming she had 14:20:31</p> <p>6 such questions?</p> <p>7 MR. GRAFF: Yes.</p> <p>8 MR. NOVIKOFF: Objection to the</p> <p>9 form.</p> <p>10 A. I don't recall. I don't believe 14:20:36</p> <p>11 so.</p> <p>12 Q. We can put aside Sanchez Exhibit</p> <p>13 5, thank you.</p> <p>14 I am going to ask the court</p> <p>15 reporter to please mark as Sanchez Exhibit 6, 14:21:03</p> <p>16 a one-page document produced to us by the</p> <p>17 County without Bates number.</p> <p>18 (Sanchez Exhibit 6, one-page</p> <p>19 document without Bates number, marked</p> <p>20 for identification, as of this date.) 14:21:43</p> <p>21 Q. Do you have that document in front</p> <p>22 of you?</p> <p>23 A. Yes..</p> <p>24 Q. When you have had a moment to</p> <p>25 review the document can you tell me if you 14:21:49</p>
<p style="text-align: right;">Page 172</p> <p>1 Sanchez</p> <p>2 have seen this document before?</p> <p>3 A. Yes.</p> <p>4 Q. Could you identify the document,</p> <p>5 please? 14:21:56</p> <p>6 A. It is an E-mail that Stan Pelc</p> <p>7 sent to me with regards to Patrick Cherry.</p> <p>8 Q. If you notice at the top left of</p> <p>9 the page it has the name in bold above the</p> <p>10 underline it says Chester, Allison? 14:22:18</p> <p>11 A. Yes.</p> <p>12 Q. Is that a reference to you?</p> <p>13 MR. NOVIKOFF: Since the to line</p> <p>14 says Chester, Allison, and she says it is</p> <p>15 addressed to her, I would think the 14:22:31</p> <p>16 answer to that would be yes.</p> <p>17 MS. ZWILLING: It is her maiden</p> <p>18 name, we can agree on that.</p> <p>19 Q. At what time did you stop going by</p> <p>20 the name of Allison Chester? 14:22:40</p> <p>21 A. When I got married.</p> <p>22 Q. And do you recall receiving this</p> <p>23 E-mail from Stanley Pelc?</p> <p>24 A. Yes.</p> <p>25 Q. Do you recall whether you did 14:22:56</p>	<p style="text-align: right;">Page 173</p> <p>1 Sanchez</p> <p>2 anything upon being advised that for a time</p> <p>3 Ocean Beach police officer candidate Patrick</p> <p>4 Cherry failed to appear for his physical</p> <p>5 fitness test on 4/18/2005? 14:23:10</p> <p>6 MR. NOVIKOFF: Objection. Whether</p> <p>7 she did something pertaining to this</p> <p>8 E-mail or did she go get a cup of coffee?</p> <p>9 Q. Whether she did something</p> <p>10 pertaining to Patrick Cherry? 14:23:24</p> <p>11 A. I don't remember specifically what</p> <p>12 I did as soon as I received this E-mail.</p> <p>13 Q. When it says part-time Ocean Beach</p> <p>14 police officer candidate, did you understand</p> <p>15 from that that Patrick Cherry was currently 14:23:38</p> <p>16 serving as a part-time police officer at Ocean</p> <p>17 Beach as of the date of the E-mail?</p> <p>18 MR. NOVIKOFF: Objection.</p> <p>19 MS. ZWILLING: If she had any</p> <p>20 understanding. She didn't write the 14:23:48</p> <p>21 E-mail.</p> <p>22 MR. NOVIKOFF: Exactly. What was</p> <p>23 your understanding if any of what</p> <p>24 Mr. Cherry's position was at Ocean Beach,</p> <p>25 if any, at the time of the E-mail in 14:23:56</p>

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<p>1 Sanchez</p> <p>2 April 18, 2005. That is the question.</p> <p>3 MR. GRAFF: You know --</p> <p>4 MR. NOVIKOFF: Will you adopt that</p> <p>5 question? 14:24:07</p> <p>6 MR. GRAFF: I will adopt that</p> <p>7 question..</p> <p>8 A. Well, he was not working</p> <p>9 full-time. I don't recall in what capacity he</p> <p>10 was working there at that time of year being 14:24:16</p> <p>11 that this E-mail is dated April. But he</p> <p>12 obviously had a physical fitness test</p> <p>13 scheduled because that was one of the</p> <p>14 qualifying exams that he had neglected to have</p> <p>15 completed in order for him to have all of his 14:24:34</p> <p>16 qualifying exams completed so that he could</p> <p>17 continue employment.</p> <p>18 Q. To your knowledge did Patrick</p> <p>19 Cherry ever take the physical fitness test</p> <p>20 referenced in this letter? 14:24:55</p> <p>21 A. I don't remember.</p> <p>22 Q. And to your knowledge was Patrick</p> <p>23 Cherry working as a police officer in Ocean</p> <p>24 Beach as of the date of this E-mail?</p> <p>25 A. I don't remember. 14:25:11</p>	<p>1 Sanchez</p> <p>2 MR. NOVIKOFF: Objection. When</p> <p>3 you say police officer, are you using</p> <p>4 that in a Civil Service title or</p> <p>5 generically as a police officer. 14:25:15</p> <p>6 Q. Was he wearing a police officer</p> <p>7 uniform in the course --</p> <p>8 MS. ZWILLING: How would she know</p> <p>9 that?</p> <p>10 MR. GRAFF: She visited Ocean 14:25:24</p> <p>11 Beach.</p> <p>12 MS. ZWILLING: She never said she</p> <p>13 met Patrick Cherry.</p> <p>14 Q. Do you know who Patrick Cherry is?</p> <p>15 A. No. 14:25:31</p> <p>16 Q. Do you know whether Patrick Cherry</p> <p>17 was carrying out the duties of a police</p> <p>18 officer?</p> <p>19 A. No.</p> <p>20 MS. ZWILLING: How would she know 14:25:37</p> <p>21 that; the only people who would know that</p> <p>22 are the village and Patrick Cherry. She</p> <p>23 is not a supervisor.</p> <p>24 MR. NOVIKOFF: Counselor, I think</p> <p>25 you are wasting this witness' time. I 14:25:48</p>
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<p>1 Sanchez</p> <p>2 mean I am getting paid no matter what,</p> <p>3 but it is bordering on harassment for</p> <p>4 this witness.</p> <p>5 MR. GRAFF: I don't think I am 14:25:58</p> <p>6 harassing this witness.</p> <p>7 Q. Can you put aside that exhibit.</p> <p>8 I ask the court reporter to please</p> <p>9 mark as Sanchez Exhibit 7, a one-page document</p> <p>10 produced by Ocean Beach bearing Bates number 14:26:21</p> <p>11 005916.</p> <p>12 (Sanchez Exhibit 7, one-page</p> <p>13 document bearing Bates number 005916,</p> <p>14 marked for identification, as of this</p> <p>15 date.) 14:26:49</p> <p>16 Q. Ms. Sanchez, if you could let me</p> <p>17 know when you had a chance to review the</p> <p>18 document?</p> <p>19 A. Okay.</p> <p>20 Q. Do you recognize this document? 14:27:02</p> <p>21 A. I don't recall writing it, no.</p> <p>22 But it looks like something that I wrote.</p> <p>23 MR. NOVIKOFF: Are we looking at</p> <p>24 the same document; okay, it is from, I</p> <p>25 apologize. 14:27:18</p>	<p>1 Sanchez</p> <p>2 Q. In the subject line at the top of</p> <p>3 the document it has capital FT'ers. Do you</p> <p>4 recall what you were referring to by that</p> <p>5 subject line? 14:27:34</p> <p>6 A. No.</p> <p>7 Q. Can you tell from the header who</p> <p>8 this E-mail is addressed to?</p> <p>9 A. To George Hesse.</p> <p>10 Q. I can see that what looks like two 14:27:42</p> <p>11 E-mail addresses in the next to the to</p> <p>12 section?</p> <p>13 A. Uh-hum.</p> <p>14 Q. Were both of those E-mail</p> <p>15 addresses addresses for George Hesse as far as 14:27:56</p> <p>16 you know?</p> <p>17 A. Yes.</p> <p>18 Q. As far as you know were either of</p> <p>19 those addresses George Hesse's personal E-mail</p> <p>20 addresses? 14:28:07</p> <p>21 A. I was not aware.</p> <p>22 Q. You wrote here: George, Paul</p> <p>23 Trosko can be waived for all tests based on</p> <p>24 his having passed them before and his status</p> <p>25 as part-timer. 14:28:26</p>

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<p>1 Sanchez</p> <p>2 Do you recall what you were</p> <p>3 referring to by that statement?</p> <p>4 MR. NOVIKOFF: Other than it is</p> <p>5 referring to Paul Trosko and everything 14:28:36</p> <p>6 else being self-explanatory?</p> <p>7 Q. When you made the statement waived</p> <p>8 for all tests, do you recall what you were</p> <p>9 referring to by waived for all tests?</p> <p>10 A. Well, I would imagine that I would 14:28:46</p> <p>11 have written that because he maintained his</p> <p>12 employment without a break, either including</p> <p>13 employment in someplace, some other</p> <p>14 jurisdiction, or with the village.</p> <p>15 Q. Okay. Do you know who Paul Trosko 14:28:59</p> <p>16 is?</p> <p>17 A. No.</p> <p>18 Q. Do you know who Gerard Boucher</p> <p>19 (phonetic) is?</p> <p>20 A. No. 14:29:08</p> <p>21 Q. Do you recall why you were</p> <p>22 conveying this information in this E-mail to</p> <p>23 George Hesse at this time?</p> <p>24 A. Yes..</p> <p>25 Q. Why were you conveying what is set 14:29:23</p>	<p>1 Sanchez</p> <p>2 forth in this E-mail to George Hesse?</p> <p>3 A. Because my business with George</p> <p>4 Hesse revolved around attempts to make sure</p> <p>5 that all of the police officers in the village 14:29:35</p> <p>6 were properly qualified, that being having</p> <p>7 taken all the qualifying exams. And for those</p> <p>8 officers who needed exams who either had</p> <p>9 breaks in service that exceeded a year or who</p> <p>10 had not yet taken the special qualifying exams 14:29:51</p> <p>11 that they needed, we were working together to</p> <p>12 get them all scheduled and completed and</p> <p>13 passed so that all the officers would be in</p> <p>14 good standing.</p> <p>15 Q. Did you ever communicate to George 14:30:03</p> <p>16 Hesse in substance that it would be prohibited</p> <p>17 for a person to indefinitely continue serving</p> <p>18 as a police officer if they did not satisfy</p> <p>19 those tests and requirements?</p> <p>20 A. Yes. 14:30:21</p> <p>21 Q. Do you recall any specific</p> <p>22 communication with George Hesse when you</p> <p>23 communicated that information to him?</p> <p>24 A. Yes.</p> <p>25 Q. What was the context of the most 14:30:31</p>
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<p>1 Sanchez</p> <p>2 recent time that you can recall that you</p> <p>3 communicated that information to George Hesse?</p> <p>4 A. I don't know that this is the most</p> <p>5 recent, but what I do remember is that it was 14:30:42</p> <p>6 expressed to him that the officers needed to</p> <p>7 have their qualifying exams completed before</p> <p>8 they start their employment, and his</p> <p>9 explanation to me was that the beach was so</p> <p>10 incredibly busy during the high season that he 14:31:04</p> <p>11 didn't have any other choice but to have them</p> <p>12 working.</p> <p>13 So in light of the fact that me or</p> <p>14 Civil Service is unable to physically make him</p> <p>15 not have these people working, we were working 14:31:21</p> <p>16 with him to get them qualified as they were</p> <p>17 working. But he was made aware of the fact</p> <p>18 that it was not proper procedure for them to</p> <p>19 be working until they had completed all their</p> <p>20 qualifying exams. 14:31:36</p> <p>21 Q. And when it was communicated to</p> <p>22 him that that was not proper, was it</p> <p>23 communicated that it was not proper</p> <p>24 notwithstanding his excuse that the department</p> <p>25 was very busy? 14:31:46</p>	<p>1 Sanchez</p> <p>2 MR. NOVIKOFF: Objection.</p> <p>3 Mischaracterization of what Mr. Hesse</p> <p>4 said.</p> <p>5 A. My point was made. I didn't need 14:31:51</p> <p>6 to tell him his excuse wasn't valid.</p> <p>7 Q. And do you recall whether you</p> <p>8 communicated, and what period of time you</p> <p>9 communicated that information to George Hesse?</p> <p>10 A. No, not specifically. We had been 14:32:16</p> <p>11 working on this for a long time with a lot of</p> <p>12 different people and it was very time</p> <p>13 consuming work, to try to organize all of</p> <p>14 those names and the different tests, no. In</p> <p>15 addition to all the other duties that I had 14:32:40</p> <p>16 with other jurisdictions and thousands and</p> <p>17 thousands of other employees that I had to</p> <p>18 review documentation for, I couldn't possibly</p> <p>19 remember something specific like that.</p> <p>20 Q. Do you recall out of the 13, I 14:32:54</p> <p>21 believe you said 13 jurisdictions that you</p> <p>22 had; is that correct?</p> <p>23 A. Uh-hum.</p> <p>24 Q. Out of the 13 whether Ocean Beach</p> <p>25 was one of the larger jurisdictions by number 14:33:05</p>

<p style="text-align: right;">Page 182</p> <p>1 Sanchez</p> <p>2 of government employees relative to the other</p> <p>3 12?</p> <p>4 MR. NOVIKOFF: Objection.</p> <p>5 A. No. It was the smallest. 14:33:20</p> <p>6 Q. The smallest. What was the</p> <p>7 largest if you recall?</p> <p>8 A. I had the Suffolk County Sheriff's</p> <p>9 Department and also Town of Southhampton.</p> <p>10 Q. Do you recall whether any of the 14:33:43</p> <p>11 other 12 jurisdictions had similar reporting</p> <p>12 problems to what you encountered with Ocean</p> <p>13 Beach?</p> <p>14 MR. NOVIKOFF: Objection.</p> <p>15 MS. ZWILLING: Objection. You can 14:33:54</p> <p>16 answer.</p> <p>17 A. Similar with regards to just poor</p> <p>18 reporting procedures, is that what you mean;</p> <p>19 or do you mean with regards to the police</p> <p>20 situation? 14:34:06</p> <p>21 Q. Let's break it down for both.</p> <p>22 Let's start first with reporting procedures.</p> <p>23 Were there other jurisdictions among the 12</p> <p>24 that had similar problems with respect to</p> <p>25 reporting procedures? 14:34:17</p>	<p style="text-align: right;">Page 183</p> <p>1 Sanchez</p> <p>2 A. Not as bad. There were other --</p> <p>3 fire districts. Fire districts were not very</p> <p>4 good with their prompt reporting. But no, no</p> <p>5 other jurisdiction was as bad. 14:34:34</p> <p>6 Q. Do you recall whether there were</p> <p>7 any other jurisdictions that had similar</p> <p>8 problems with respect to reporting for police</p> <p>9 officers?</p> <p>10 MS. ZWILLING: Are you asking 14:34:44</p> <p>11 about reporting or qualifying now,</p> <p>12 because you seem to be melding the two</p> <p>13 different issues together.</p> <p>14 MR. NOVIKOFF: I agree.</p> <p>15 Q. Based on their reports to you with 14:34:52</p> <p>16 qualifying police officers?</p> <p>17 A. No.</p> <p>18 Q. Is there such a term, and I am not</p> <p>19 trying to confuse things, just trying to</p> <p>20 facilitate communication if possible, is the 14:35:14</p> <p>21 term Civil Service certified employee, does</p> <p>22 that have any meaning that you are familiar</p> <p>23 with; to say that someone is certified with</p> <p>24 Civil Service?</p> <p>25 A. A person doesn't get certified, 14:35:29</p>
<p style="text-align: right;">Page 184</p> <p>1 Sanchez</p> <p>2 no.</p> <p>3 Q. You can put aside that document,</p> <p>4 thank you.</p> <p>5 I ask the court reporter to please 14:35:41</p> <p>6 mark as Sanchez Exhibit 8, a one-page document</p> <p>7 produced to us by Ocean Beach bearing Bates</p> <p>8 number 003847.</p> <p>9 (Sanchez Exhibit 8, one-page</p> <p>10 document bearing Bates number 003847, 14:35:56</p> <p>11 marked for identification, as of this</p> <p>12 date.)</p> <p>13 Q. Ms. Sanchez, if you can just let</p> <p>14 me know when you had a chance to review this</p> <p>15 document? 14:36:38</p> <p>16 MR. NOVIKOFF: What is the</p> <p>17 question?</p> <p>18 (Record read.)</p> <p>19 A. Okay.</p> <p>20 Q. Ms. Sanchez, have you seen this 14:37:29</p> <p>21 document before?</p> <p>22 A. No.</p> <p>23 Q. Then we can put it aside, I am not</p> <p>24 going to proceed if you have not seen it.</p> <p>25 Are you familiar with the 14:37:40</p>	<p style="text-align: right;">Page 185</p> <p>1 Sanchez</p> <p>2 designation of a provisional position or</p> <p>3 provisional appointment in the context of</p> <p>4 Civil Service?</p> <p>5 A. Yes. 14:37:49</p> <p>6 Q. What does that refer to?</p> <p>7 MS. ZWILLING: Objection. You are</p> <p>8 asking in general or with respect to</p> <p>9 police officers, because the answer may</p> <p>10 differ and it is not clear to me that the 14:37:58</p> <p>11 designation exist with respect to a</p> <p>12 police officer?</p> <p>13 MR. NOVIKOFF: I join in.</p> <p>14 Q. Are you familiar with the term</p> <p>15 provisional appointment with respect to police 14:38:07</p> <p>16 officers?</p> <p>17 A. No. I have never heard that term</p> <p>18 applied to a police officer.</p> <p>19 Q. What about a police sergeant if</p> <p>20 that makes a difference? 14:38:18</p> <p>21 A. No.</p> <p>22 Q. To the extent that you are</p> <p>23 familiar with a term provisional appointment,</p> <p>24 what does it mean or in what context are you</p> <p>25 familiar with it? 14:38:31</p>

<p style="text-align: right;">Page 186</p> <p>1 Sanchez</p> <p>2 A. A provisional employee is someone</p> <p>3 who is appointed to a position which is to be</p> <p>4 filled off of a Civil Service list, and in the</p> <p>5 absence of three or more willing candidates 14:38:41</p> <p>6 they are allowed to appoint somebody</p> <p>7 provisionally who meets the qualifications of</p> <p>8 that title until at which time a list, until</p> <p>9 at which time another list has been</p> <p>10 established with three or more willing 14:39:01</p> <p>11 candidates.</p> <p>12 And in order for the person to</p> <p>13 retain the position of their provisional</p> <p>14 appointment they would have to be within the</p> <p>15 top three scorers on the list. 14:39:12</p> <p>16 Q. Could you explain a little bit</p> <p>17 what the lists that you are referring to in</p> <p>18 that context?</p> <p>19 A. A Civil Service list.</p> <p>20 Q. How does a person come to be 14:39:22</p> <p>21 listed on such a list?</p> <p>22 A. You take the test.</p> <p>23 Q. I ask the court reporter to please</p> <p>24 mark as Sanchez Exhibit 9 a two-page document</p> <p>25 produced to us by Ocean Beach bearing Bates 14:39:51</p>	<p style="text-align: right;">Page 187</p> <p>1 Sanchez</p> <p>2 numbers 000270 through 271.</p> <p>3 (Sanchez Exhibit 9, two-page</p> <p>4 document bearing Bates numbers 000270</p> <p>5 through 271, marked for identification, 14:39:57</p> <p>6 as of this date.)</p> <p>7 Q. Again, Ms. Sanchez, if you can let</p> <p>8 me know when you had a chance to review the</p> <p>9 exhibit?</p> <p>10 A. Okay. 14:41:05</p> <p>11 Q. Have you seen the document,</p> <p>12 Exhibit 9 before?</p> <p>13 A. Have I seen this specific</p> <p>14 document?</p> <p>15 Q. This specific document? 14:41:10</p> <p>16 A. This specific document was created</p> <p>17 after I left Civil Service. So the answer is</p> <p>18 no.</p> <p>19 Q. Have you seen documents in the</p> <p>20 form before? 14:41:17</p> <p>21 MR. NOVIKOFF: Objection. What</p> <p>22 form, the first page, the second page,</p> <p>23 with handwriting on the top, signed by</p> <p>24 Maryann Minerva; what do you mean?</p> <p>25 Q. The form, the two pages without 14:41:27</p>
<p style="text-align: right;">Page 188</p> <p>1 Sanchez</p> <p>2 anything filled in in handwriting?</p> <p>3 A. This is a duty statement, I have</p> <p>4 seen it before.</p> <p>5 Q. What is a duty statement if you 14:41:36</p> <p>6 can explain it, please?</p> <p>7 A. It is a form that list the duties</p> <p>8 that are performed by a particular position.</p> <p>9 MR. NOVIKOFF: I also object to</p> <p>10 your question because you presume in your 14:41:48</p> <p>11 question that the second page is normally</p> <p>12 attached to the first page as part of a</p> <p>13 Civil Service document, and I don't know</p> <p>14 if that has been established yet.</p> <p>15 Q. Ms. Sanchez, do you know whether 14:42:03</p> <p>16 these two pages belong together as a single</p> <p>17 document?</p> <p>18 A. They do. The second page is</p> <p>19 normally on the back.</p> <p>20 Q. Of one -- 14:42:11</p> <p>21 A. Of a single sheet.</p> <p>22 Q. Based on your familiarity with</p> <p>23 these forms can you tell what position this</p> <p>24 specific form relates to?</p> <p>25 MS. ZWILLING: It may relate to 14:42:21</p>	<p style="text-align: right;">Page 189</p> <p>1 Sanchez</p> <p>2 more than one position.</p> <p>3 A. It could be for police officer.</p> <p>4 Q. And on what basis do you say it</p> <p>5 could be a police officer? 14:42:35</p> <p>6 A. Based on the fact that that is how</p> <p>7 it was classified on the second page, box 8,</p> <p>8 it was classified as police officer.</p> <p>9 MR. NOVIKOFF: You are asking this</p> <p>10 witness, Ari, to opine on a document that 14:42:48</p> <p>11 was created after she left Civil Service.</p> <p>12 She is not an expert, and if you want to</p> <p>13 get the answer to that question I think</p> <p>14 you can talk to Maryann Minerva or to --</p> <p>15 THE WITNESS: Alan Schneider. 14:43:02</p> <p>16 MR.. NOVIKOFF: Yeah.</p> <p>17 MS. ZWILLING: Their names appear</p> <p>18 on the document.</p> <p>19 MR. NOVIKOFF: I think you have</p> <p>20 the wrong witness for this document and 14:43:08</p> <p>21 you should move on.</p> <p>22 MS. ZWILLING: Not to mention that</p> <p>23 I think the document is pretty</p> <p>24 self-explanatory.</p> <p>25 Q. I just have one more question on 14:43:17</p>

<p style="text-align: right;">Page 190</p> <p>1 Sanchez</p> <p>2 the document. On the second page at the top</p> <p>3 left there is a typewritten name that looks</p> <p>4 like it is partially cut off in the photocopy.</p> <p>5 Do you see where I am referring to? 14:43:27</p> <p>6 A. Uh-hum.</p> <p>7 Q. Can you tell what the name was</p> <p>8 that was partially cut off?</p> <p>9 A. No.</p> <p>10 Q. That is all for that document. 14:43:33</p> <p>11 MR. GRAFF: I ask the court</p> <p>12 reporter to please mark as Sanchez</p> <p>13 Exhibit 10, a one-page document produced</p> <p>14 by Ocean Beach, Bates number 005915.</p> <p>15 I am sorry, I am going to recall 14:44:08</p> <p>16 that document.</p> <p>17 MR. NOVIKOFF: Can you read back</p> <p>18 the number so I have it for my record.</p> <p>19 (Record read.)</p> <p>20 MR. GRAFF: We will be coming back 14:44:24</p> <p>21 to that document.</p> <p>22 MR. NOVIKOFF: I don't care.</p> <p>23 MR. GRAFF: Instead if we can mark</p> <p>24 as Sanchez Exhibit 10 a document produced</p> <p>25 by Ocean Beach bearing Bates number 14:44:37</p>	<p style="text-align: right;">Page 191</p> <p>1 Sanchez</p> <p>2 003911.</p> <p>3 (Sanchez Exhibit 10, document</p> <p>4 bearing Bates number 003911, marked for</p> <p>5 identification, as of this date.) 14:45:01</p> <p>6 MR. NOVIKOFF: Just so we are</p> <p>7 clear, Ari, you are going to show this</p> <p>8 witness a document that looks like it was</p> <p>9 created in 1995?</p> <p>10 MR. GRAFF: Yes. My questions go 14:45:11</p> <p>11 to the form of the document.</p> <p>12 MR. NOVIKOFF: Okay.</p> <p>13 Q. Ms. Sanchez, when you have had a</p> <p>14 chance to look over Sanchez 10 can you tell me</p> <p>15 if you have ever seen this actual document 14:45:25</p> <p>16 before?</p> <p>17 A. No.</p> <p>18 Q. Do you recognize the form of this</p> <p>19 document?</p> <p>20 A. Yes. 14:45:30</p> <p>21 Q. Can you identify the form of the</p> <p>22 document?</p> <p>23 MR. NOVIKOFF: Other than it</p> <p>24 saying certificate of eligible?</p> <p>25 Q. In what context have you 14:45:38</p>
<p style="text-align: right;">Page 192</p> <p>1 Sanchez</p> <p>2 encountered -- did you encounter this form if</p> <p>3 at all during your employment as a personnel</p> <p>4 analyst?</p> <p>5 MR. NOVIKOFF: How about what is 14:45:44</p> <p>6 the purpose of this form, if any; I mean</p> <p>7 might that get right to the heart of it.</p> <p>8 MR. GRAFF: It would, but my</p> <p>9 experience was that when I asked about</p> <p>10 the purpose of things not created by the 14:45:58</p> <p>11 witness I get objections.</p> <p>12 MR. NOVIKOFF: No, no, the</p> <p>13 question is what is the purpose of the</p> <p>14 form.. No one is going to object to that,</p> <p>15 I don't think it is irrelevant, but I 14:46:04</p> <p>16 won't object to it.</p> <p>17 Q. Mrs. Sanchez, do you know what the</p> <p>18 purpose of the form is?</p> <p>19 A. Yes. It is to create a list of</p> <p>20 eligibles based on their score who have taken 14:46:12</p> <p>21 the Civil Service exam so that the</p> <p>22 jurisdiction can canvas for a position based</p> <p>23 on the scores.</p> <p>24 Q. And is it typical -- I recall</p> <p>25 earlier when you talked about lists, that you 14:46:31</p>	<p style="text-align: right;">Page 193</p> <p>1 Sanchez</p> <p>2 had been referring to three names on the list?</p> <p>3 A. Top three.</p> <p>4 Q. Is it typical to have a form like</p> <p>5 this that only has one name listed? 14:46:39</p> <p>6 MS. ZWILLING: I am going to</p> <p>7 object. This is a form that was sent in</p> <p>8 1995.</p> <p>9 MR. GRAFF: In her experience in</p> <p>10 the forms that she has seen has she 14:46:47</p> <p>11 encountered forms with one name listed.</p> <p>12 MS. ZWILLING: You are talking</p> <p>13 about an eligible list and a notification</p> <p>14 to the jurisdiction. Two completely</p> <p>15 distinct items. You seem to be blending 14:47:00</p> <p>16 them together here.</p> <p>17 MR. NOVIKOFF: I join in.</p> <p>18 MS. ZWILLING: There is no</p> <p>19 testimony that this form is used to</p> <p>20 communicate a list of eligibles. 14:47:11</p> <p>21 Q. What is the document used for,</p> <p>22 this form document as you understand,</p> <p>23 Ms. Sanchez?</p> <p>24 A. When a jurisdiction wants to fill</p> <p>25 a competitive class position they request the 14:47:21</p>

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<p>1 Sanchez</p> <p>2 list for that title, and the certifications</p> <p>3 department then creates a list which is called</p> <p>4 a certification of eligibles with a list of</p> <p>5 the names of the people who had scored on the 14:47:35</p> <p>6 exam and in the order that they scored highest</p> <p>7 or lowest.</p> <p>8 Q. And during the period that you</p> <p>9 were a personnel analyst did you ever</p> <p>10 encounter a form with the list like this that 14:47:44</p> <p>11 had only one name listed?</p> <p>12 MR. NOVIKOFF: Objection.</p> <p>13 MS. ZWILLING: For the record I</p> <p>14 just want it noted that across the face</p> <p>15 of Exhibit 10 it expressly states County 14:47:54</p> <p>16 Wide List Available. So this document</p> <p>17 does not purport to be a list of one, yet</p> <p>18 your question is framed in that manner.</p> <p>19 MR. NOVIKOFF: I join in.</p> <p>20 Q. Do you understand what the 14:48:10</p> <p>21 reference to a county wide list is in this</p> <p>22 context?</p> <p>23 A. Yes.</p> <p>24 Q. Can you explain what that is?</p> <p>25 A. A jurisdiction has the option to 14:48:15</p>	<p>1 Sanchez</p> <p>2 either request a list which includes all the</p> <p>3 names from everybody who had taken the list,</p> <p>4 which includes everybody in the County, or</p> <p>5 they can request a list of just the persons in 14:48:26</p> <p>6 that jurisdiction who are on the list.</p> <p>7 Q. And when you say in that</p> <p>8 jurisdiction what are you referring to;</p> <p>9 persons in that jurisdiction?</p> <p>10 A. People who are residents of that 14:48:39</p> <p>11 jurisdiction..</p> <p>12 Q. And is a municipality, are there</p> <p>13 circumstances when they have the discretion to</p> <p>14 hire off of a county wide list or a</p> <p>15 jurisdiction only list? 14:48:57</p> <p>16 MS. ZWILLING: Objection. It is</p> <p>17 governed by Civil Service Law, but if the</p> <p>18 witness knows she can give you an answer.</p> <p>19 MR. NOVIKOFF: I am going to make</p> <p>20 an application for costs. 14:49:05</p> <p>21 Q. Is that something that can be at</p> <p>22 the election of the municipality, which list</p> <p>23 to use, or is that fixed by Civil Service?</p> <p>24 MR. NOVIKOFF: Objection.</p> <p>25 A. The municipality can choose to 14:49:14</p>
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<p>1 Sanchez</p> <p>2 request a county wide list or a jurisdictional</p> <p>3 list.</p> <p>4 Q.. Okay. Just to be clear, the one</p> <p>5 name that does appear on this is George B. 14:49:26</p> <p>6 Hesse?</p> <p>7 MS. ZWILLING: Yes, we can all</p> <p>8 agree that that is the single name on the</p> <p>9 face of the document.</p> <p>10 MR. NOVIKOFF: Okay, we got that 14:49:35</p> <p>11 established. And also the name of the</p> <p>12 mayor is Michael I. Youchah.</p> <p>13 Q. In the context of these lists of</p> <p>14 eligibles and certifications of eligibles, are</p> <p>15 you familiar with a canvas letter; does that 14:50:02</p> <p>16 mean anything in the context?</p> <p>17 A. Yes.</p> <p>18 Q. What is a canvas letter in that</p> <p>19 context?</p> <p>20 MR. NOVIKOFF: What context? 14:50:14</p> <p>21 Q. The context of eligible lists?</p> <p>22 A. A canvas letter is a letter that</p> <p>23 is sent to the eligible candidates from a list</p> <p>24 such as this one, a certification of</p> <p>25 eligibles. So the people that you see on the 14:50:32</p>	<p>1 Sanchez</p> <p>2 list, you send them a canvas letter to let</p> <p>3 them know that the position is available and</p> <p>4 how much it is paying to see if the candidates</p> <p>5 are interested in interviewing for the 14:50:41</p> <p>6 position.</p> <p>7 Q. So to be sure that I understand,</p> <p>8 you can get on an eligible list by satisfying</p> <p>9 certain requirements, and then as positions</p> <p>10 become available a canvas letter is sent to 14:50:56</p> <p>11 the individuals on the eligible list and they</p> <p>12 can elect whether to apply for a specific</p> <p>13 position?</p> <p>14 MS. ZWILLING: Objection. All of</p> <p>15 this is set forth in the New York State 14:51:04</p> <p>16 Civil Service Law. If the witness has an</p> <p>17 answer she can give it to you. But it is</p> <p>18 subject to our objection. It is all</p> <p>19 there laid out in the statute book.</p> <p>20 MR. GRAFF: You noted your 14:51:16</p> <p>21 objection.</p> <p>22 Q. Was that accurate?</p> <p>23 A. Sort of.</p> <p>24 MR. NOVIKOFF: What was accurate?</p> <p>25 MS. ZWILLING: You are asking the 14:51:26</p>

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<p>1 Sanchez</p> <p>2 the witness if she agrees with my</p> <p>3 objection?</p> <p>4 Q. No, I was asking about my</p> <p>5 rendition of how the list works, if I had 14:51:33</p> <p>6 stated that correctly?</p> <p>7 MR. NOVIKOFF: I would guess not.</p> <p>8 Objection.</p> <p>9 MS. ZWILLING: It would have saved</p> <p>10 a lot of time if you had familiarized 14:51:41</p> <p>11 yourself with that in the process of</p> <p>12 framing the questions that you were going</p> <p>13 to ask today.</p> <p>14 A. You are waiting on an answer from</p> <p>15 me? 14:51:54</p> <p>16 MR. NOVIKOFF: No, no.</p> <p>17 Q. I was.</p> <p>18 MR. NOVIKOFF: I am just looking</p> <p>19 at you feeling sorry for you. I came</p> <p>20 here to find out if you had sex with 14:52:02</p> <p>21 Mr. Hesse or not.</p> <p>22 MR. GRAFF: Mr. Novikoff, your</p> <p>23 disruptions are not proper during this</p> <p>24 deposition.</p> <p>25 MS. ZWILLING: You wouldn't be 14:52:11</p>	<p>1 Sanchez</p> <p>2 here otherwise?</p> <p>3 MR. NOVIKOFF: No. Really there</p> <p>4 wasn't much importance to it.</p> <p>5 THE WITNESS: I am sorry, I just 14:52:19</p> <p>6 threw up a little bit.</p> <p>7 A. The list, you are asking about if</p> <p>8 your rendition of -- no, it was not exactly</p> <p>9 correct. You take a test, you get a score.</p> <p>10 Based on your score it would determine your 14:52:36</p> <p>11 placement on the list. When the list is then</p> <p>12 created at the request of the jurisdiction</p> <p>13 they receive the list, they send canvas</p> <p>14 letters, canvas letters are then sent to the</p> <p>15 candidates starting from the top down. 14:52:56</p> <p>16 There is a certain procedure as to</p> <p>17 who is eligible for hire based on the number</p> <p>18 of candidates on the list.</p> <p>19 Q. Okay. Thank you for that</p> <p>20 clarification. 14:53:09</p> <p>21 If I can ask the court reporter to</p> <p>22 please mark as Sanchez Exhibit 11, a one-page</p> <p>23 document produced by Ocean Beach Bates number</p> <p>24 5915.</p> <p>25 (Sanchez Exhibit 11, one-page 14:53:13</p>
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<p>1 Sanchez</p> <p>2 document, Bates number 5915, marked for</p> <p>3 identification, as of this date.)</p> <p>4 Q. Before we turn to Sanchez 11, Ms.</p> <p>5 Sanchez, just to clarify for the transcribed 14:53:55</p> <p>6 portion of this deposition. What precipitated</p> <p>7 your throwing up a little bit as you stated a</p> <p>8 few minutes ago?</p> <p>9 MR. NOVIKOFF: A comment that</p> <p>10 Mr. Novikoff made with regard to whether 14:54:06</p> <p>11 or not this witness had sex with George</p> <p>12 Hesse, as it is clearly in the transcript</p> <p>13 and on the video. So why don't you move</p> <p>14 on..</p> <p>15 Q. Was the reason that you threw up a 14:54:16</p> <p>16 little bit because you were laughing or</p> <p>17 because the thought of the question made you</p> <p>18 ill?</p> <p>19 A. Because the thought of that made</p> <p>20 me ill. 14:54:23</p> <p>21 MR. CONNOLLY: Objection.</p> <p>22 Q. Turning to Sanchez 11, have you</p> <p>23 seen this particular document before,</p> <p>24 Ms. Sanchez?</p> <p>25 A. No. 14:54:39</p>	<p>1 Sanchez</p> <p>2 Q. Can you identify the document?</p> <p>3 A. It is a certification of eligibles</p> <p>4 list for the title of police officer..</p> <p>5 Q. The fourth name down -- 14:54:55</p> <p>6 MR. NOVIKOFF: Let the record</p> <p>7 reflect that it is George Hesse.</p> <p>8 Question.</p> <p>9 Q. The address for George Hesse is</p> <p>10 315 Bay Walk? 14:55:05</p> <p>11 MR. NOVIKOFF: Box 371.</p> <p>12 Q. Box 371. Ms. Sanchez, do you know</p> <p>13 where that location is?</p> <p>14 MS. ZWILLING: It is a post office</p> <p>15 box. 14:55:18</p> <p>16 MR. NOVIKOFF: Presumably in Ocean</p> <p>17 Beach, New York because the next line</p> <p>18 says Ocean Beach, New York 11770, which</p> <p>19 presumably is the zip code for Ocean</p> <p>20 Beach. 14:55:32</p> <p>21 MR. GRAFF: It could also be a</p> <p>22 government building that has boxes for</p> <p>23 various employees.</p> <p>24 MS. ZWILLING: Why would she know</p> <p>25 that? 14:55:39</p>

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<p>1 Sanchez</p> <p>2 MR. GRAFF: If she doesn't know,</p> <p>3 the answer is she doesn't know.</p> <p>4 MS. ZWILLING: She doesn't work</p> <p>5 for Ocean Beach, she works for the 14:55:46</p> <p>6 County.</p> <p>7 A. I have no idea.</p> <p>8 Q. And when it says under George</p> <p>9 Hesse's name, three asterisks, pending item,</p> <p>10 three asterisks, med, psych, agility and 14:55:56</p> <p>11 polygraph, do you understand what that is</p> <p>12 referring to in the context of this document?</p> <p>13 A. Yes.</p> <p>14 Q. What is it referring to?</p> <p>15 A. As it is listed for all the 14:56:09</p> <p>16 employees on the list, everybody who takes</p> <p>17 this test is required to pass a med, psych,</p> <p>18 agility and polygraph.</p> <p>19 Q. If I could just briefly turn your</p> <p>20 attention back to Sanchez 10, the 1995 14:56:25</p> <p>21 document that I know you have not seen before,</p> <p>22 when it says under George Hesse's name with a</p> <p>23 pound symbol, pending agility, medical and</p> <p>24 psychological exams, do you understand what</p> <p>25 that is referring to? 14:56:44</p>	<p>1 Sanchez</p> <p>2 MR. NOVIKOFF: Does she understand</p> <p>3 what the author in 1995 meant?</p> <p>4 Q. Based on her familiarity with</p> <p>5 these forms can she interpret what that 14:56:53</p> <p>6 statement means?</p> <p>7 MS. ZWILLING: Are you asking her</p> <p>8 if she knows whether or not George Hesse</p> <p>9 passed any of these qualifications in</p> <p>10 between the dates of the two lists. 14:57:02</p> <p>11 Q. No.. I am asking whether I am</p> <p>12 interpreting Sanchez Exhibit 10 correctly in</p> <p>13 stating that George Hesse had not passed those</p> <p>14 as of this date?</p> <p>15 MS. ZWILLING: I don't know if she 14:57:15</p> <p>16 is going to know.</p> <p>17 A.. I wouldn't know that.</p> <p>18 Q. Thank you.</p> <p>19 I would ask the court reporter to</p> <p>20 please mark as Sanchez Exhibit 12 a one-page 14:57:34</p> <p>21 document produced to us by Suffolk County</p> <p>22 without Bates number.</p> <p>23 (Sanchez Exhibit 12, one-page</p> <p>24 document without Bates number, marked</p> <p>25 for identification, as of this date.) 14:58:18</p>
Page 204	Page 205
<p>1 Sanchez</p> <p>2 Q. Ms. Sanchez, first why don't you</p> <p>3 take a look at the document?</p> <p>4 A. I did.</p> <p>5 Q. As far as you know were there any 14:58:24</p> <p>6 Civil Service specifications with respect to</p> <p>7 the standards for establishing residency</p> <p>8 within a municipality for purposes of</p> <p>9 employment?</p> <p>10 MS. ZWILLING: Objection. Are you 14:58:40</p> <p>11 asking about whether Civil Service has</p> <p>12 residency specifications or whether the</p> <p>13 municipalities?</p> <p>14 Q. Whether Civil Service has any</p> <p>15 standards for residency or whether it is 14:58:51</p> <p>16 something that is left to the municipalities?</p> <p>17 MS. ZWILLING: Wouldn't it be</p> <p>18 against State law for Civil Service to</p> <p>19 make those types of residency</p> <p>20 requirements in place of the 14:59:02</p> <p>21 municipalities?</p> <p>22 MR. NOVIKOFF: She got you there</p> <p>23 Ari.</p> <p>24 Q. Ms. Sanchez, are you aware of any</p> <p>25 Civil Service specifications? 14:59:13</p>	<p>1 Sanchez</p> <p>2 A. No, I am not aware, no.</p> <p>3 Q. Turning to Sanchez 12, do you</p> <p>4 recognize this document?</p> <p>5 A. Yes. 14:59:19</p> <p>6 Q. Could you identify the document,</p> <p>7 please?</p> <p>8 A. It is a letter that I wrote to the</p> <p>9 mayor notifying him that I had become aware</p> <p>10 that George Hesse was working in a supervisory 14:59:31</p> <p>11 capacity and that we needed them to submit a</p> <p>12 duty statement to reflect such.</p> <p>13 Q. And I notice that the letter has</p> <p>14 your name at the signature block, but it is</p> <p>15 not signed. Do you recall whether you ever 14:59:44</p> <p>16 signed a copy of this letter?</p> <p>17 A. No.</p> <p>18 Q. Do you recall whether you ever</p> <p>19 sent this letter to Ocean Beach?</p> <p>20 A. I believe I did. I believe that I 14:59:55</p> <p>21 wrote this at the request of my supervisor as</p> <p>22 well.</p> <p>23 Q. Do you know why you addressed the</p> <p>24 letter to Joseph Loeffler Mayor rather than</p> <p>25 anyone else at Ocean Beach? 15:00:10</p>

<p style="text-align: right;">Page 206</p> <p>1 Sanchez</p> <p>2 A. I don't recall. I would imagine</p> <p>3 because he is the person in charge of the</p> <p>4 whole village.</p> <p>5 Q. Do you recall whether you ever as 15:00:18</p> <p>6 part of your work as a personnel analyst</p> <p>7 addressed any other letters to the Mayor of</p> <p>8 Ocean Beach?</p> <p>9 MR. NOVIKOFF: Objection to</p> <p>10 foundation. I think given the timing of 15:00:30</p> <p>11 this letter, Ari, the fact that it</p> <p>12 pertained to George Hesse probably</p> <p>13 precipitated her to send it Mr. Hesse's</p> <p>14 superior. And if there is another</p> <p>15 similar instance then I would think the 15:00:46</p> <p>16 question would be valid. Other than that</p> <p>17 I think you lack foundation.</p> <p>18 MR. GRAFF: Your objection is</p> <p>19 noted.</p> <p>20 Q. Do you recall, Ms. Sanchez, 15:00:55</p> <p>21 whether you in fact addressed any other</p> <p>22 letters to the Mayor of Ocean Beach?</p> <p>23 A. I don't recall.</p> <p>24 Q. When you wrote the department has</p> <p>25 become aware, how did you personally become 15:01:07</p>	<p style="text-align: right;">Page 207</p> <p>1 Sanchez</p> <p>2 aware if you did?</p> <p>3 A. Because I would speak to George</p> <p>4 Hesse on the telephone and I was aware of what</p> <p>5 his responsibilities entailed in part due to 15:01:15</p> <p>6 the fact that he was taking responsibility for</p> <p>7 attempting to clear up the dealings with the</p> <p>8 qualifying exams as a police officer only,</p> <p>9 that is not normally a police officer's role,</p> <p>10 but somebody who is taking on more of a 15:01:37</p> <p>11 responsibility would be assumed to have a</p> <p>12 higher level of responsibility such that he</p> <p>13 was a supervisor and designating assignments</p> <p>14 and being responsible for employee records.</p> <p>15 Q. Other than designating assignments 15:01:51</p> <p>16 and being responsible for employee records are</p> <p>17 there any other duties that fall under the</p> <p>18 heading of supervisory responsibility as you</p> <p>19 used it in this document?</p> <p>20 MR. NOVIKOFF: As it pertains to 15:02:04</p> <p>21 Mr. Hesse or in general?</p> <p>22 Q. As it pertains to Mr. Hesse?</p> <p>23 MR. NOVIKOFF: I still object.</p> <p>24 A. I don't know exactly what else he</p> <p>25 did. I knew what I just mentioned, that he 15:02:11</p>
<p style="text-align: right;">Page 208</p> <p>1 Sanchez</p> <p>2 was responsible for the maintaining of the</p> <p>3 other officers' records as well as assigning</p> <p>4 responsibilities to them. The fact that I</p> <p>5 didn't know the rest of what he did would 15:02:26</p> <p>6 explain why we needed a duty statement.</p> <p>7 Q. And do you recall whether any duty</p> <p>8 statement was submitted; did you ever receive</p> <p>9 that?</p> <p>10 A. I don't recall ever receiving one. 15:02:40</p> <p>11 Q. When did you become aware that</p> <p>12 George Hesse had been exercising supervisory</p> <p>13 responsibilities as stated in this document?</p> <p>14 A. When we first started speaking on</p> <p>15 the phone when he took over for Paradiso I 15:02:52</p> <p>16 think his name was, whoever was out on office</p> <p>17 comp. So when I finally was able to speak to</p> <p>18 somebody on the telephone with regard to the</p> <p>19 other officers, that person was George Hesse.</p> <p>20 Q. And approximately what time frame 15:03:09</p> <p>21 did that occur?</p> <p>22 A.. I don't remember exactly. I guess</p> <p>23 if you look back on when Chief Paradiso left,</p> <p>24 perhaps it is around that time, whenever</p> <p>25 George Hesse took over. I don't know exactly. 15:03:24</p>	<p style="text-align: right;">Page 209</p> <p>1 Sanchez</p> <p>2 Q. Do you recall whether it was</p> <p>3 within a few months of January 2007?</p> <p>4 A. Yes.</p> <p>5 Q. Was it within a few months of -- 15:03:38</p> <p>6 A. Yes.</p> <p>7 Q. It was within a few months?</p> <p>8 A. That I was aware of the</p> <p>9 supervisory responsibilities?</p> <p>10 Q. That you first became aware? 15:03:48</p> <p>11 A. Yes.</p> <p>12 Q. And from the time that the</p> <p>13 jurisdiction of Ocean Beach became part of</p> <p>14 your portfolio as a personnel analyst until</p> <p>15 the time that you started dealing with George 15:03:59</p> <p>16 Hesse did you ever communicate directly with</p> <p>17 Ed Paradiso as part of your responsibilities</p> <p>18 as a personnel analyst?</p> <p>19 A.. I believe I testified before that</p> <p>20 I tried to contact him unsuccessfully. 15:04:11</p> <p>21 Q. Were you ever successful in</p> <p>22 contacting him?</p> <p>23 A. I believe I also stated that I was</p> <p>24 unsuccessful in my attempts to speak with him</p> <p>25 and there is a possibility maybe I spoke to 15:04:26</p>

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<p>1 Sanchez</p> <p>2 him once, but I don't think so.</p> <p>3 MR. NOVIKOFF: That would be on</p> <p>4 the first page of your notes.</p> <p>5 Q. I believe you already indicated, I 15:04:35</p> <p>6 am just checking in my notes to be sure, but I</p> <p>7 will ask again. The training with Ms. Spies</p> <p>8 that you had referred to earlier, at</p> <p>9 approximately what period of time did that</p> <p>10 take place? 15:05:12</p> <p>11 MR. NOVIKOFF: Objection.</p> <p>12 A. I don't remember. I don't</p> <p>13 remember. Before I -- I don't know. I can't</p> <p>14 even say. I submitted travel vouchers, if you</p> <p>15 want to look up specifically with the County, 15:05:30</p> <p>16 that is available I suppose, but I don't</p> <p>17 remember.</p> <p>18 RQ Q. We will call for production of the</p> <p>19 travel vouchers?</p> <p>20 MS. ZWILLING: We will take it 15:05:41</p> <p>21 under advisement.</p> <p>22 Q. As you sit here today do you</p> <p>23 recall whether it was the case that there</p> <p>24 were -- there was a period of years from when</p> <p>25 Ocean Beach became part of your jurisdiction 15:05:54</p>	<p>1 Sanchez</p> <p>2 and -- from when it first became part of your</p> <p>3 jurisdiction and when you ultimately succeeded</p> <p>4 in speaking with George Hesse?</p> <p>5 MR. NOVIKOFF: What; objection. I 15:06:08</p> <p>6 don't -- read it back. I don't think</p> <p>7 that was a question.</p> <p>8 MR. GRAFF: Maybe I mis-spoke on</p> <p>9 that.</p> <p>10 MS. ZWILLING: There was no issue 15:06:18</p> <p>11 about difficulty in communicating with</p> <p>12 George Hesse. The witness stated that it</p> <p>13 was Chief Paradiso that was not returning</p> <p>14 her phone calls.</p> <p>15 Q. Did your efforts to communicate 15:06:27</p> <p>16 with Chief Paradiso continue over a period of</p> <p>17 years?</p> <p>18 A. No.</p> <p>19 Q. How long a period of time</p> <p>20 approximately were you engaged in -- over how 15:06:35</p> <p>21 long a period of time were you attempting to</p> <p>22 communicate with Paradiso?</p> <p>23 A. I don't recall. It was not like I</p> <p>24 was trying every day, I had other</p> <p>25 jurisdictions to attend to. So I would try 15:06:47</p>
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<p>1 Sanchez</p> <p>2 periodically. But it was not one of my main</p> <p>3 missions. I don't remember.</p> <p>4 Q. Other than trying to call Paradiso</p> <p>5 did you ever try sending him written letters? 15:06:59</p> <p>6 A. I don't recall doing that.</p> <p>7 Q. Do you recall ever sending him</p> <p>8 E-mails?</p> <p>9 A. No.</p> <p>10 Q. In Sanchez 12 when you wrote the 15:07:08</p> <p>11 text of this to Ocean Beach did you -- strike</p> <p>12 that.</p> <p>13 Did you ever communicate to anyone</p> <p>14 at Ocean Beach that George Hesse was not</p> <p>15 permitted to continue serving in the 15:07:46</p> <p>16 supervisory capacity until a new duty</p> <p>17 statement was submitted as referenced in</p> <p>18 Sanchez 12?</p> <p>19 MR. NOVIKOFF: Objection to the</p> <p>20 form. I don't know if you established a 15:07:56</p> <p>21 foundation that that is what would be the</p> <p>22 consequence.</p> <p>23 A. No.</p> <p>24 Q. Was George Hesse permitted to</p> <p>25 continue working until such time as the duty 15:08:07</p>	<p>1 Sanchez</p> <p>2 statement referenced here was submitted,</p> <p>3 working in a supervisory capacity?</p> <p>4 MS. ZWILLING: Are you asking if</p> <p>5 the village allowed him to do so? 15:08:15</p> <p>6 MR. NOVIKOFF: Right, what are you</p> <p>7 asking?</p> <p>8 Q. With respect to Civil Service</p> <p>9 specifications did any Civil Service</p> <p>10 specification that you are aware of in 15:08:22</p> <p>11 substance prohibit the continued service of</p> <p>12 George Hesse in a supervisory capacity?</p> <p>13 MS. ZWILLING: I am going to</p> <p>14 object to the questions because it has</p> <p>15 been explained very clearly that the 15:08:32</p> <p>16 specifications and qualifications are</p> <p>17 prerequisites to qualifying for the job.</p> <p>18 They are not rules governing the carrying</p> <p>19 out of the position or who is qualified</p> <p>20 to remain in that position. 15:08:44</p> <p>21 MR. GRAFF: Okay.</p> <p>22 MR. NOVIKOFF: I think the issue</p> <p>23 is is it a violation of Civil Service</p> <p>24 Law, not whether or not Civil Service</p> <p>25 prohibits anyone from working. 15:08:54</p>

<p style="text-align: right;">Page 214</p> <p>1 Sanchez</p> <p>2 MS. ZWILLING: Yes. He may have</p> <p>3 been ineligible, improperly hired in the</p> <p>4 first place. That doesn't mean that</p> <p>5 there is a part of Civil Service Law that 15:09:03</p> <p>6 requires that he be terminated.</p> <p>7 MR. GRAFF: That is what I am</p> <p>8 asking.</p> <p>9 MS. ZWILLING: But that is not</p> <p>10 what you are asking, Mr. Graff. The 15:09:11</p> <p>11 witness has explained that the Civil</p> <p>12 Service requirements are towards</p> <p>13 minimally qualified for the job. It has</p> <p>14 been explained to you that Civil Service</p> <p>15 is not in the capacity of managing and 15:09:21</p> <p>16 supervising persons once they meet those</p> <p>17 minimum qualifications.</p> <p>18 MR. GRAFF: Okay.</p> <p>19 Q. Let me ask a different question.</p> <p>20 Ms. Sanchez, when you drafted the 15:09:35</p> <p>21 document marked as Sanchez 12 did you</p> <p>22 understand that George Hesse could continue</p> <p>23 working as far as any Civil Service</p> <p>24 specifications are concerned, could continue</p> <p>25 working in a supervisory capacity even if he 15:09:50</p>	<p style="text-align: right;">Page 215</p> <p>1 Sanchez</p> <p>2 did not submit the duty statement referenced</p> <p>3 here?</p> <p>4 MS. ZWILLING: Objection. But you</p> <p>5 can answer. 15:09:59</p> <p>6 MR. NOVIKOFF: Objection.</p> <p>7 A. Based upon the way I was directed</p> <p>8 from my supervisor, the way I was taught,</p> <p>9 Civil Service prefers that people do not work</p> <p>10 out of title in a higher position, which is 15:10:14</p> <p>11 why the duty statement was requested. We were</p> <p>12 aware that he was working out of title based</p> <p>13 on necessity because there was nobody else</p> <p>14 there to do the job as required.</p> <p>15 However it is not something that 15:10:33</p> <p>16 we are going to -- we could do anything about,</p> <p>17 we don't have that type of authority, we don't</p> <p>18 physically go in and make them stop, they were</p> <p>19 doing it anyway. So in an attempt to remedy</p> <p>20 and right the situation we asked them to 15:10:48</p> <p>21 submit the proper documentation so that we</p> <p>22 could have the documentation and his position</p> <p>23 reflect the job that he was doing so that</p> <p>24 everything would be done the right way.</p> <p>25 Q. And other than asking for 15:11:03</p>
<p style="text-align: right;">Page 216</p> <p>1 Sanchez</p> <p>2 documentation is there any other action that</p> <p>3 you are aware that Civil Service could have</p> <p>4 taken other than requesting?</p> <p>5 MR. NOVIKOFF: Objection. To the 15:11:14</p> <p>6 extent there is any such action it would</p> <p>7 be reflected in the Civil Service Law and</p> <p>8 in the regulations.</p> <p>9 MS. ZWILLING: As a matter of fact</p> <p>10 it is reflected in Sanchez 9 which we 15:11:23</p> <p>11 went through earlier. They submitted the</p> <p>12 statement for an out of title and it was</p> <p>13 rejected. That is what Sanchez 9 is.</p> <p>14 MR. GRAFF: Ms. Sanchez has</p> <p>15 testified that as far as she knows no 15:11:37</p> <p>16 duty statement was submitted in response</p> <p>17 to this.</p> <p>18 MS. ZWILLING: I don't think that</p> <p>19 is what she said. There was none</p> <p>20 submitted while she was there. She 15:11:45</p> <p>21 testified that statement was submitted</p> <p>22 after she had left, and she cannot</p> <p>23 address what the author of that document</p> <p>24 had in their mind. But it is clear on</p> <p>25 the face of the document that it was 15:11:56</p>	<p style="text-align: right;">Page 217</p> <p>1 Sanchez</p> <p>2 rejected. It was not approved for out of</p> <p>3 title work.</p> <p>4 MR. NOVIKOFF: I believe her</p> <p>5 testimony was I don't recall that being 15:12:04</p> <p>6 done.</p> <p>7 MS. ZWILLING: She is not going to</p> <p>8 recall it being done if she was not there</p> <p>9 when it happened, and we have already</p> <p>10 established that the statement was 15:12:18</p> <p>11 submitted after she left the position.</p> <p>12 Q. Turning back to Sanchez Exhibit 9,</p> <p>13 where on the face of the document does it</p> <p>14 indicate that this position update was</p> <p>15 rejected? 15:12:27</p> <p>16 MS. ZWILLING: Second page.</p> <p>17 A. Second page, box 8 where it was</p> <p>18 classified as police officer competitive.</p> <p>19 MR. NOVIKOFF: You got to look at</p> <p>20 the documents, Ari. 15:12:40</p> <p>21 MR. GRAFF: I am not completely</p> <p>22 clear on this.</p> <p>23 MS. ZWILLING: They rejected his</p> <p>24 contention that he was functioning as a</p> <p>25 sergeant, saying that the position is in 15:12:49</p>

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<p>1 Sanchez</p> <p>2 fact police officer. They rejected his</p> <p>3 request -- that the position he was</p> <p>4 working in was that of a police officer.</p> <p>5 They requested -- rejected the request 15:12:56</p> <p>6 for out of title. It is very obvious.</p> <p>7 Signed Alan Schneider, that is where Alan</p> <p>8 Schneider signed it.</p> <p>9 MR. GRAFF: Where on the</p> <p>10 document does it indicate that this was a 15:13:09</p> <p>11 request for --</p> <p>12 THE WITNESS: That is why it</p> <p>13 was -- that is what the purpose of the</p> <p>14 document is. It is a request for a</p> <p>15 position to be classified. 15:13:13</p> <p>16 Q. So this was not a position update</p> <p>17 making George Hesse a police officer</p> <p>18 competitive?</p> <p>19 A. Well, it is a request for his</p> <p>20 position to be updated. 15:13:24</p> <p>21 MR. NOVIKOFF: I mean you are</p> <p>22 spending so much time on these documents</p> <p>23 that occurred after the non-hiring of</p> <p>24 your clients back in April of 2006. For</p> <p>25 the life of me, Ari, I just don't get it. 15:13:38</p>	<p>1 Sanchez</p> <p>2 THE WITNESS: And I wasn't there.</p> <p>3 MS. ZWILLING: The document says</p> <p>4 within, on its face, he submitted a</p> <p>5 request for an upgrade of his position 15:13:46</p> <p>6 from police officer to police sergeant,</p> <p>7 and Civil Service rejected the request.</p> <p>8 It is signed by Alan Schneider, August</p> <p>9 28, 2007, indicated in box number 8 on</p> <p>10 page 2. 15:14:06</p> <p>11 Q. What part of the document does it</p> <p>12 indicate that Hesse was requesting police</p> <p>13 sergeant as his update?</p> <p>14 A. I don't see that written on there.</p> <p>15 Q. Do you see anywhere where it 15:14:21</p> <p>16 indicates that there was a rejection of</p> <p>17 something?</p> <p>18 A. No, but perhaps you should ask the</p> <p>19 people who wrote that. I really can't attest</p> <p>20 to what they had in their mind when they wrote 15:14:30</p> <p>21 it or why they submitted it. If they did it</p> <p>22 by request or if they did it on their own.</p> <p>23 I can't testify to anything about</p> <p>24 this document because I didn't work there any</p> <p>25 more. 15:14:38</p>
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<p>1 Sanchez</p> <p>2 Q.. Okay, I understand that and I</p> <p>3 wouldn't have gone back into it except that</p> <p>4 Ms. Zwilling indicated that it was obvious on</p> <p>5 its face? 15:14:48</p> <p>6 MS. ZWILLING: I was trying to</p> <p>7 move it along, and it is obvious on its</p> <p>8 face.</p> <p>9 MR. GRAFF: How much time has</p> <p>10 elapsed on this tape. 15:15:02</p> <p>11 THE VIDEOGRAPHER: I have 15</p> <p>12 minutes.</p> <p>13 MR. GRAFF: Take a short break</p> <p>14 here.</p> <p>15 THE VIDEOGRAPHER: The time is 15:15:07</p> <p>16 3:14. We are off the record.</p> <p>17 (Recess taken.)</p> <p>18 MR. GRAFF: Would you mark as</p> <p>19 Sanchez Exhibit 13, document numbered</p> <p>20 002670. 15:20:26</p> <p>21 (Sanchez Exhibit 13, document</p> <p>22 numbered 002670, marked for</p> <p>23 identification, as of this date.)</p> <p>24 MR. GRAFF: Would you mark as</p> <p>25 Sanchez Exhibit 14, document headed 15:20:52</p>	<p>1 Sanchez</p> <p>2 report of personal changes.</p> <p>3 (Sanchez Exhibit 14, document</p> <p>4 headed report of personal changes,</p> <p>5 marked for identification, as of this 15:20:55</p> <p>6 date.)</p> <p>7 THE VIDEOGRAPHER: The time is</p> <p>8 3:25, we are on the record.</p> <p>9 Q. Ms. Sanchez, during the break I</p> <p>10 asked the court reporter to mark as Sanchez 15:26:01</p> <p>11 13, a one-page document produced by Ocean</p> <p>12 Beach bearing Bates number 2670. If you could</p> <p>13 take a look at the document and let me know</p> <p>14 when you had a chance to look it over.</p> <p>15 A. Yes. 15:26:41</p> <p>16 Q. Ms. Sanchez, have you seen Sanchez</p> <p>17 Exhibit 13 before?</p> <p>18 A. I don't remember seeing that.</p> <p>19 Q. Do you recall whether you ever</p> <p>20 received correspondence from Edward Paradiso 15:26:49</p> <p>21 in your capacity as personnel analyst?</p> <p>22 A. I don't recall.</p> <p>23 Q. The very first line of text</p> <p>24 references a DCJS form 2214 police registry</p> <p>25 form. Do you know what that is? 15:27:07</p>

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<p>1 Sanchez</p> <p>2 A. Yes.</p> <p>3 Q. What is that?</p> <p>4 A. When a police officer is working</p> <p>5 in a jurisdiction the DCJS needs to be 15:27:15</p> <p>6 notified of who they are, and there is like</p> <p>7 four spots on it, but a portion of it gets</p> <p>8 filled out by the employee, and another</p> <p>9 portion is filled out by the jurisdiction, and</p> <p>10 another portion is filled out by Civil Service 15:27:33</p> <p>11 stating that this person is working in that</p> <p>12 title. I don't remember what the other</p> <p>13 section is, but it is something that gets sent</p> <p>14 upstate to DCJS.</p> <p>15 Q. Thank you. You can put aside 15:27:46</p> <p>16 Sanchez Exhibit 13.</p> <p>17 The court reporter has also marked</p> <p>18 a document, Sanchez Exhibit 14, a one-page</p> <p>19 document produced by Ocean Beach under Bates</p> <p>20 number 231. 15:28:05</p> <p>21 A. Yes.</p> <p>22 Q. Have you seen this document</p> <p>23 before?</p> <p>24 A. Yes.</p> <p>25 Q. Could you identify the document, 15:28:30</p>	<p>1 Sanchez</p> <p>2 please?</p> <p>3 A. CS-150.</p> <p>4 Q. And are any of the handwritten</p> <p>5 markings on the document things that you wrote 15:28:43</p> <p>6 on the document?</p> <p>7 A. At the bottom where it says</p> <p>8 approved as noted.</p> <p>9 Q. What about in the far left column</p> <p>10 under the table with the bold heading 15:29:11</p> <p>11 jurisdiction there is some checks?</p> <p>12 A. Uh-hum.</p> <p>13 Q. Are those things that you marked?</p> <p>14 A. No.</p> <p>15 Q. Do you recall whether when you 15:29:17</p> <p>16 first saw this document the markings on the</p> <p>17 table on the upper half of the document were</p> <p>18 already on the document?</p> <p>19 A. It is likely the clerical marking</p> <p>20 off that she did the work on the roster card 15:29:31</p> <p>21 as she was going along, either that or put it</p> <p>22 into the computer..</p> <p>23 Q. And is this a document that would</p> <p>24 have been sent from Ocean Beach to Civil</p> <p>25 Service? 15:29:47</p>
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<p>1 Sanchez</p> <p>2 A. Uh-hum.</p> <p>3 Q. Would Civil Service have returned</p> <p>4 a copy of this document with the notation</p> <p>5 approved as noted to Ocean Beach? 15:29:52</p> <p>6 MR. NOVIKOFF: Objection.</p> <p>7 A. Yes. After it has been approved</p> <p>8 and my supervisor reviews it and it is given</p> <p>9 to the clerical to enter on the roster card</p> <p>10 and put into the computer, then a copy of it 15:30:05</p> <p>11 would be sent back to the jurisdiction.</p> <p>12 Q. At the top right of the document</p> <p>13 when it says date prepared, does that -- do</p> <p>14 you know what that refers to; the date when</p> <p>15 the document was prepared by Ocean Beach, is 15:30:21</p> <p>16 that it?</p> <p>17 A. Yes.</p> <p>18 Q. And then directly underneath that</p> <p>19 the second column from the right in the table</p> <p>20 says effective date. Do you know what 15:30:31</p> <p>21 effective date refers to?</p> <p>22 A. The date that that transaction was</p> <p>23 effective.</p> <p>24 Q. So for example the second name</p> <p>25 here, Kevin Lamm, the title police officer, PT 15:30:41</p>	<p>1 Sanchez</p> <p>2 (seasonal) and then effective date 10/22/05.</p> <p>3 Does that mean that effective October 22, '05</p> <p>4 Kevin Lamm attained the title of police</p> <p>5 officer part-time? 15:31:00</p> <p>6 A. No. That means that his service</p> <p>7 for the season was ended on that date.</p> <p>8 Q. So effective 10/22/05 Kevin Lamm</p> <p>9 was no longer serving as a police officer</p> <p>10 part-time? 15:31:22</p> <p>11 MR. NOVIKOFF: Objection. She is</p> <p>12 only testifying as to what her</p> <p>13 interpretation of the document is.</p> <p>14 MS. ZWILLING: Yes. She is not --</p> <p>15 you have not established that she has any 15:31:29</p> <p>16 firsthand knowledge as to whether the</p> <p>17 individual is reporting for work on this</p> <p>18 specific day.</p> <p>19 Q. I am only asking about what you</p> <p>20 understand from the document, not about any 15:31:38</p> <p>21 thing that actually happened outside the</p> <p>22 document.</p> <p>23 MR. NOVIKOFF: Then she already</p> <p>24 answered that question. She just -- you</p> <p>25 asked her what does effective date mean 15:31:47</p>

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1 Sanchez
2 and she told you, without
3 mischaracterizing her testimony, that
4 that is the date in which the service of
5 the particular individual ended. 15:31:54

6 THE WITNESS: Right.

7 **Q. Okay. And do you understand what**
8 **seasonal refers to in the context of police**
9 **officers at Ocean Beach?**

10 A. Let me reference back to the 15:32:12
11 document that you submitted, Sanchez Exhibit
12 4, that is the title as indicated in this
13 column header that says title.

14 **Q. And what is the season in terms of**
15 **months for seasonal police officer at Ocean 15:32:29**
16 **Beach?**

17 A. Two weeks before Memorial Day and
18 two weeks after Labor Day as stated on the
19 second page of Sanchez Exhibit 4 underneath
20 limitations on seasonal employment: Seasonal 15:32:45
21 employment is defined as commencing two weeks
22 preceding Memorial Day and terminating two
23 weeks after Labor Day.

24 **Q. Okay. So on the fifth line down**
25 **on Sanchez 14 where it says Thomas Snyder, 15:32:59**

1 Sanchez
2 **police officer, PT seasonal, then the**
3 **effective date is 3/24/06. That also means**
4 **that he stopped serving in that capacity**
5 **effective 3/24/06? 15:33:15**

6 MS. ZWILLING: Objection. The
7 witness has no firsthand knowledge as to
8 when he did and did not report to work.
9 If you want to ask her on what date did
10 the village report to be his last day of 15:33:28
11 work, she can give you that information.
12 But she can't vouch for the accuracy of
13 the record.

14 MR. NOVIKOFF: But then again she
15 already answered the question Ari. I can 15:33:36
16 repeat her answer for the second time.

17 MS. ZWILLING: She can't comment
18 on the accuracy of the village's records.

19 MR. GRAFF: I am not asking her to
20 comment on the accuracy of the -- 15:33:42

21 MS. ZWILLING: Then don't phrase
22 your questions for such information.

23 **Q. So is that the same as in the case**
24 **of Kevin Lamm that the date in this case,**
25 **3/24/06, is when he stopped serving as 15:33:56**

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1 Sanchez
2 **seasonal --**

3 MR. NOVIKOFF: Objection.

4 **Q. Let me withdraw that.**
5 **Does this indicate, whether or not 15:34:06**
6 **it is true at this point, that that is what is**
7 **indicated on the document?**

8 MR. NOVIKOFF: Objection.

9 MS. ZWILLING: The question makes
10 no sense. If she can't vouch for it, you 15:34:12
11 don't correct your question by saying
12 whether or not say it is true.

13 MR. NOVIKOFF: She has already
14 said to you, or she has confirmed my
15 understanding of her testimony, that the 15:34:24
16 dates under effective date according to
17 her understanding, her being
18 Ms. Sanchez's, is that is the date in
19 which the particular individuals
20 identified in name and address and 15:34:37
21 position and control number had their
22 last day of service for the village in
23 that capacity. You have asked that, you
24 got your answer.

25 **Q. Do you know who Winifred Loeffler 15:34:50**

1 Sanchez
2 **is?**

3 A. No, I don't know her personally.

4 **Q. Have you heard the name prior to**
5 **today? 15:35:06**

6 A. Apparently so as I signed the
7 bottom of this sheet.

8 **Q. Other than in the context of**
9 **seeing the sheet and signing it do you have**
10 **any other knowledge as to who Winifred 15:35:19**
11 **Loeffler is?**

12 A. No.

13 **Q. What about Kevin Lamm, other than**
14 **his name being on this sheet do you have any**
15 **knowledge of who Kevin Lamm is? 15:35:36**

16 A. It is kind of a loaded question.
17 I know --

18 MR. NOVIKOFF: Wait, wait. Other
19 than on this document notwithstanding the
20 fact that she has been named as a 15:35:48
21 defendant in a lawsuit where one of the
22 plaintiffs is Kevin Lamm?

23 A. That Kevin Lamm?

24 **Q. Yes.**

25 MS. ZWILLING: She doesn't know -- 15:35:55

<p style="text-align: right;">Page 230</p> <p>1 Sanchez</p> <p>2 she does know that he sued her, yes.</p> <p>3 Q. Was Kevin Lamm suing you the first</p> <p>4 time that you can recall actually being aware</p> <p>5 of who he was? 15:36:09</p> <p>6 A. I have seen his name on paperwork</p> <p>7 from dealing with the jurisdiction of course.</p> <p>8 Q. Have you ever met Kevin Lamm?</p> <p>9 A. No. Let me correct, I am not sure</p> <p>10 actually. Three of the officers came to see 15:36:24</p> <p>11 me in my office on an occasion with regards to</p> <p>12 the matter in question, and so that if he was</p> <p>13 there, then I met him that day. Other than</p> <p>14 that I couldn't tell you.</p> <p>15 I never met him before that or 15:36:41</p> <p>16 after that, and I wouldn't even recall what he</p> <p>17 looked like. I am not even sure if that is</p> <p>18 him, I don't know.</p> <p>19 MR. CONNOLLY: We can let the</p> <p>20 record reflect. 15:36:51</p> <p>21 MR. NOVIKOFF: Actually let the</p> <p>22 record reflect that the only person now</p> <p>23 in the room is Mr. Fiorillo if I am</p> <p>24 correct, and I don't see Mr. Lamm in the</p> <p>25 room any more. 15:37:01</p>	<p style="text-align: right;">Page 231</p> <p>1 Sanchez</p> <p>2 MR. GRAFF: The only plaintiff in</p> <p>3 the room?</p> <p>4 MR. NOVIKOFF: Yes.</p> <p>5 Q. Let's talk about that occasion 15:37:07</p> <p>6 when three of the officers met with you in</p> <p>7 your office?</p> <p>8 A. Let's.</p> <p>9 MR. NOVIKOFF: Praise be.</p> <p>10 Q. When did -- at what point in time 15:37:13</p> <p>11 did three officers meet with you in your</p> <p>12 office as you referred to?</p> <p>13 A. I don't recall the date.</p> <p>14 Q. Do you recall the year?</p> <p>15 A. No, it would be a guess. I would 15:37:30</p> <p>16 guess 2007.</p> <p>17 Q. Could it also have been 2006?</p> <p>18 A. It could have been 2006.</p> <p>19 Q. Could it have been April of 2006?</p> <p>20 A. It could have been. 15:37:47</p> <p>21 Q. If I suggested that it was April</p> <p>22 of 2006 does that refresh your recollection at</p> <p>23 all?</p> <p>24 A. No.</p> <p>25 MS. ZWILLING: Objection. If you 15:37:54</p>
<p style="text-align: right;">Page 232</p> <p>1 Sanchez</p> <p>2 want to show her a copy of the complaint</p> <p>3 and ask if that refreshes her</p> <p>4 recollection or you want me to do that,</p> <p>5 fine. But she is not required to take 15:38:01</p> <p>6 your representation.</p> <p>7 MR. NOVIKOFF: I will represent</p> <p>8 that the plaintiffs have alleged that</p> <p>9 three of them have met with Ms. Sanchez</p> <p>10 in the -- they have alleged in the 15:38:07</p> <p>11 complaint, and that that meeting occurred</p> <p>12 sometime shortly after the April 4th</p> <p>13 decision not to rehire them. But I would</p> <p>14 suggest if you have any questions you</p> <p>15 show Ms. Sanchez the complaint instead of 15:38:18</p> <p>16 playing a memory game. I think she</p> <p>17 already testified that --</p> <p>18 A. They came.</p> <p>19 Q. And did three officers meet in</p> <p>20 your office only on that one occasion, the 15:38:29</p> <p>21 three officers who are plaintiffs in this</p> <p>22 lawsuit?</p> <p>23 MS. ZWILLING: Are you asking if</p> <p>24 they came to Civil Service on more than</p> <p>25 one occasion. 15:38:42</p>	<p style="text-align: right;">Page 233</p> <p>1 Sanchez</p> <p>2 Q. If they met with her more than</p> <p>3 once?</p> <p>4 A. Only on that one time.</p> <p>5 Q. Where did that meeting take place? 15:38:53</p> <p>6 A. In my office.</p> <p>7 Q. Did you have a private office?</p> <p>8 A. Yes.</p> <p>9 Q. Do you recall the names of the</p> <p>10 three officers who met with you on that 15:39:07</p> <p>11 occasion?</p> <p>12 A. No. I had it written on a</p> <p>13 post-it. I don't remember exactly out of the</p> <p>14 five in the suit, I don't remember which</p> <p>15 three, I think it was Snyder, Lamm and 15:39:20</p> <p>16 Fiorilli.</p> <p>17 Q. Do you recall whether Mr. Fiorilli</p> <p>18 who is in the room was one of the three</p> <p>19 officers who met with you?</p> <p>20 A. Yes. 15:39:29</p> <p>21 Q. Prior to that meeting had you ever</p> <p>22 spoken with any of those three officers</p> <p>23 before?</p> <p>24 A. One of them called me earlier in</p> <p>25 the day to ask if I would be in my office 15:39:41</p>

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<p>1 Sanchez</p> <p>2 later on to come meet with me. I don't recall</p> <p>3 which one it was. And before that occasion I</p> <p>4 don't believe I have ever spoken to any of</p> <p>5 them on the telephone. 15:39:52</p> <p>6 Q. Do you recall whether the officer</p> <p>7 who you spoke with on the telephone scheduled</p> <p>8 an appointment to come in and meet with you on</p> <p>9 that day?</p> <p>10 A. I said I would be there, I don't 15:40:03</p> <p>11 remember if I made a specific time or not.</p> <p>12 But I knew they were coming so I was there.</p> <p>13 So I would assume that implied an appointment.</p> <p>14 I don't know. I could have just said come</p> <p>15 after lunch, I don't know. 15:40:17</p> <p>16 Q. And did the officer you had that</p> <p>17 conversation with indicate what the subject</p> <p>18 that they wanted to meet with you about was?</p> <p>19 A. I don't believe so, but I knew.</p> <p>20 Q. How did you know? 15:40:32</p> <p>21 A. Because I was aware of what had</p> <p>22 happened with regards to them not being</p> <p>23 rehired.</p> <p>24 Q. And what was it that had happened</p> <p>25 with them not being rehired that you were 15:40:50</p>	<p>1 Sanchez</p> <p>2 aware of?</p> <p>3 A. After they were informed that they</p> <p>4 wouldn't be retired, that is considered a</p> <p>5 personnel transaction which I was made aware 15:41:00</p> <p>6 of would be forthcoming. So I was aware.</p> <p>7 Q. How were you made aware of that?</p> <p>8 A. George Hesse had notified me by</p> <p>9 telephone.</p> <p>10 Q. Did George Hesse notify you in 15:41:13</p> <p>11 that telephone conversation how many officers</p> <p>12 were not being rehired at that time?</p> <p>13 A. I believe so.</p> <p>14 Q. Do you recall how many officers?</p> <p>15 A. No. 15:41:30</p> <p>16 Q. And when did George Hesse convey</p> <p>17 that information to you by telephone?</p> <p>18 A. Not that day, it was probably like</p> <p>19 a week before. I don't know. It was after it</p> <p>20 had already taken place, but it was not on 15:41:47</p> <p>21 that day.</p> <p>22 Q. And other than indicating that</p> <p>23 some number of officers wouldn't be rehired</p> <p>24 did George Hesse communicate anything else to</p> <p>25 you in that conversation? 15:42:03</p>
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<p>1 Sanchez</p> <p>2 A. No, nothing of relevance that I</p> <p>3 can recall.</p> <p>4 Q. Did George Hesse communicate to</p> <p>5 you why those officers were not going to be 15:42:11</p> <p>6 rehired?</p> <p>7 A. No.</p> <p>8 Q. Did you ask him?</p> <p>9 A. No.</p> <p>10 MS. ZWILLING: Objection. You can 15:42:17</p> <p>11 answer.</p> <p>12 A. I don't care why. It doesn't</p> <p>13 matter.</p> <p>14 Q. Was that the first time that</p> <p>15 George Hesse had called you to let you know 15:42:23</p> <p>16 that officers would not be rehired at Ocean</p> <p>17 Beach?</p> <p>18 MR. NOVIKOFF: Objection to the</p> <p>19 form. I don't think you laid the proper</p> <p>20 foundation for that question. But if the 15:42:36</p> <p>21 witness can answer, she can answer.</p> <p>22 A. Sort of. I mean there were</p> <p>23 officers who didn't pass qualifying exams that</p> <p>24 would no longer be working there, he would</p> <p>25 notify me that they weren't continuing on. So 15:42:49</p>	<p>1 Sanchez</p> <p>2 yes, he had notified me previous to this</p> <p>3 particular instance that people wouldn't be</p> <p>4 returning.</p> <p>5 Q. And did George Hesse communicate 15:42:59</p> <p>6 to you in this instance that the officers were</p> <p>7 not being rehired because of anything to do</p> <p>8 with qualifying exams?</p> <p>9 MS. ZWILLING: Objection. She</p> <p>10 just said there was no discussion as to 15:43:12</p> <p>11 why they were not being rehired.</p> <p>12 Q. Other than this communication with</p> <p>13 respect to these officers and communications,</p> <p>14 prior communications that had to do with</p> <p>15 qualifying exams, did George Hesse ever in any 15:43:24</p> <p>16 other context communicate to you that officers</p> <p>17 would not be rehired?</p> <p>18 A. Can you say that again, I am</p> <p>19 confused.</p> <p>20 MS. ZWILLING: Rephrase the 15:43:36</p> <p>21 question.</p> <p>22 Q. Other than this incident with</p> <p>23 these officers did George Hesse ever</p> <p>24 communicate to you that officers were not</p> <p>25 being rehired without any reference to 15:43:43</p>

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<p>1 Sanchez</p> <p>2 qualifying exams?</p> <p>3 MR. NOVIKOFF: Objection. Once</p> <p>4 again no foundation.</p> <p>5 A. Without reference to qualifying 15:43:53</p> <p>6 exams?</p> <p>7 MS. ZWILLING: I am going to</p> <p>8 object because your question is mixing</p> <p>9 together again two things that don't</p> <p>10 belong together. If they were not 15:44:02</p> <p>11 qualified for the position they would not</p> <p>12 have been hired. If they were not hired</p> <p>13 they wouldn't be rehired.</p> <p>14 There is a distinction between</p> <p>15 qualifying for the position and a 15:44:18</p> <p>16 decision not to rehire someone who was</p> <p>17 not a permanent employee.</p> <p>18 MR. GRAFF: I thought I had been</p> <p>19 building on the reference that</p> <p>20 Ms. Sanchez had made to other prior 15:44:30</p> <p>21 calls where he had --</p> <p>22 MS. ZWILLING: Well, you asked if</p> <p>23 they had similar conversations in the</p> <p>24 past and she said yes, with respect to</p> <p>25 officers who did not qualify. I believe, 15:44:41</p>	<p>1 Sanchez</p> <p>2 and correct me if I am wrong Allison,</p> <p>3 that she made it clear that there had</p> <p>4 been no prior conversations with respect</p> <p>5 to decisions not to rehire. 15:44:50</p> <p>6 Q. Okay. Other than prior occasions</p> <p>7 when George Hesse communicated to you that</p> <p>8 there were officers who wouldn't be hired</p> <p>9 because they didn't qualify, did he ever</p> <p>10 communicate to you that any officers would not 15:45:04</p> <p>11 be rehired for any other reason?</p> <p>12 MR. NOVIKOFF: Objection to the</p> <p>13 form. Asked and answered. Foundation.</p> <p>14 A. I don't recall any other</p> <p>15 conversations. 15:45:19</p> <p>16 Q. Did George Hesse ever communicate</p> <p>17 to you that any officers would not be rehired</p> <p>18 due to budgetary constraints?</p> <p>19 MR. NOVIKOFF: Objection. Read</p> <p>20 back at the question. 15:45:38</p> <p>21 (Record read.)</p> <p>22 MR. NOVIKOFF: When?</p> <p>23 MR. GRAFF: Ever.</p> <p>24 MR. NOVIKOFF: I think the answer</p> <p>25 to that is subsumed within her prior 15:45:44</p>
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<p>1 Sanchez</p> <p>2 answers. I object.</p> <p>3 A. I don't recall any type of</p> <p>4 conversation about the budget. That didn't</p> <p>5 concern me, no. 15:45:53</p> <p>6 MR. NOVIKOFF: And I think the</p> <p>7 witness said I don't care why they</p> <p>8 weren't hired.</p> <p>9 A. Yeah. I mean it is not relevant.</p> <p>10 I don't need the details. That is not part of 15:46:02</p> <p>11 what I did. That was not part of my job.</p> <p>12 Q. When the officer called you on the</p> <p>13 phone prior to meeting with you and two other</p> <p>14 officers, did the officer indicate to you how</p> <p>15 many other former officers would be 15:46:20</p> <p>16 accompanying him to that meeting?</p> <p>17 A. I think so, but I am not sure.</p> <p>18 Q. Between the time that the officer</p> <p>19 called you to ask about a meeting and the time</p> <p>20 that the meeting took place did you discuss 15:46:36</p> <p>21 the fact that an officer had called you to set</p> <p>22 up a meeting with anyone?</p> <p>23 A. No.</p> <p>24 Q. Did you do anything to prepare for</p> <p>25 that meeting with the officers? 15:46:50</p>	<p>1 Sanchez</p> <p>2 A. No.</p> <p>3 Q. Did you review any personnel</p> <p>4 records concerning those officers prior to</p> <p>5 that meeting? 15:46:59</p> <p>6 A. No.</p> <p>7 Q. Do you recall what time of day the</p> <p>8 meeting took place?</p> <p>9 A. After lunch.</p> <p>10 Q. Do you recall how long the meeting 15:47:10</p> <p>11 lasted?</p> <p>12 A. I think about fifteen minutes.</p> <p>13 Q. So when the three officers arrived</p> <p>14 in your office who started the conversation?</p> <p>15 A. I don't remember which one of 15:47:33</p> <p>16 them.</p> <p>17 Q. And did one of the officers</p> <p>18 indicate to you what their purpose in seeking</p> <p>19 a meeting with you was at that time?</p> <p>20 A. Yes. 15:47:48</p> <p>21 Q. And why did the officers say that</p> <p>22 they wanted to meet with you?</p> <p>23 MS. ZWILLING: Objection. She</p> <p>24 doesn't know why. If you want to ask her</p> <p>25 if the officers expressed a reason -- 15:48:00</p>

<p style="text-align: right;">Page 242</p> <p>1 Sanchez</p> <p>2 Q. What reason did they, did the</p> <p>3 officer indicate to you as their purpose in</p> <p>4 wanting to meet with you?</p> <p>5 A. I believe that they were telling 15:48:09</p> <p>6 me that they were, and again this is just --</p> <p>7 this is not based on a perfect recollection of</p> <p>8 the conversation, this is just based on what I</p> <p>9 can recall. That they were complaining that</p> <p>10 they were fired, and can they do that. And 15:48:24</p> <p>11 they were asking about their rights. And I</p> <p>12 proceeded to explain to them that I was aware</p> <p>13 of the whole situation. I knew why they were</p> <p>14 there.</p> <p>15 I was aware of the whole thing 15:48:40</p> <p>16 already because before anything had transpired</p> <p>17 George Hesse had contacted me to notify me</p> <p>18 that there were some officers that he did want</p> <p>19 to rehire without telling me who specifically,</p> <p>20 and he asked me what was the Civil Service Law 15:48:59</p> <p>21 as it pertains to that type of a situation</p> <p>22 regarding their title, their type of</p> <p>23 positions, the village's rights, the</p> <p>24 employees' rights, and what were they allowed</p> <p>25 to do and what were they not allowed to do. 15:49:17</p>	<p style="text-align: right;">Page 243</p> <p>1 Sanchez</p> <p>2 He asked me how the law applied to</p> <p>3 this particular type of situation and what</p> <p>4 were they allowed to do by law.</p> <p>5 Would you like me to continue? 15:49:28</p> <p>6 Q. Please.. Just to be clear, this is</p> <p>7 that meeting with the officers or the</p> <p>8 conversation --</p> <p>9 MR. NOVIKOFF: She is answering</p> <p>10 your question. 15:49:36</p> <p>11 A. This is the conversation that I</p> <p>12 had with George Hesse. I am telling them what</p> <p>13 George Hesse had asked me. And he had asked</p> <p>14 me about not rehiring some of the employees,</p> <p>15 and what was the legality of it all with 15:49:48</p> <p>16 regard to Civil Service Law and their titles.</p> <p>17 And I informed them that I had</p> <p>18 consulted with my supervisor on that, and</p> <p>19 based on what he explained to me that these</p> <p>20 were not permanent positions, they were 15:50:07</p> <p>21 temporary in nature, they didn't have any</p> <p>22 rights to the position, they didn't have</p> <p>23 Section 75 rights based on the non-temporary</p> <p>24 nature of the position, and that Section 75</p> <p>25 would not have applied anyway because they 15:50:20</p>
<p style="text-align: right;">Page 244</p> <p>1 Sanchez</p> <p>2 were not fired, they were just not rehired,</p> <p>3 because you don't have rights to a position</p> <p>4 that is not a permanent position.</p> <p>5 So I explained to them that based 15:50:31</p> <p>6 on the law and the nature of the part-time</p> <p>7 seasonal police officer position it is not a</p> <p>8 permanent type position. You cannot gain</p> <p>9 permanency. There is no continued service.</p> <p>10 The nature of the seasonal summer employment 15:50:45</p> <p>11 is temporary, which means you can never get</p> <p>12 permanency from it.</p> <p>13 Based upon that they had no rights</p> <p>14 to the position and the village was within its</p> <p>15 right to not ask them to return. And that was 15:50:58</p> <p>16 how the law is stated with regards to it. So</p> <p>17 I explained to them that based on that they</p> <p>18 unfortunately didn't have -- they didn't have</p> <p>19 the ability to say that they had rights to a</p> <p>20 position that they didn't have rights to. 15:51:18</p> <p>21 So I explained to them that</p> <p>22 unfortunately it was going to have to remain</p> <p>23 as it was standing based on the village's</p> <p>24 decision.</p> <p>25 Q. Did any of the officers indicate 15:51:26</p>	<p style="text-align: right;">Page 245</p> <p>1 Sanchez</p> <p>2 anything in response to that information when</p> <p>3 you --</p> <p>4 A. They were unhappy with it. They I</p> <p>5 think tried to argue the fact with me that 15:51:38</p> <p>6 they have been there for however long they</p> <p>7 have been there, and I explained to them that</p> <p>8 it was not relevant based on the nature of the</p> <p>9 position.</p> <p>10 And then at that point they turned 15:51:51</p> <p>11 the conversation into what I interpreted as a</p> <p>12 whistle blowing type of a conversation where</p> <p>13 they then tried to like tell on George Hesse</p> <p>14 and the village for allowing other officers</p> <p>15 who worked there who had not completed all of 15:52:06</p> <p>16 their qualifying exams.</p> <p>17 And upon telling me that</p> <p>18 information I told them that I also was 100</p> <p>19 percent well aware of all the officers who</p> <p>20 were working there and what their status was 15:52:21</p> <p>21 with regards to their qualifying exams, and I</p> <p>22 was aware of it because George Hesse and I</p> <p>23 were working together to get them all</p> <p>24 qualified, along with Stan Pelc who was</p> <p>25 scheduling the exams, and it was all being 15:52:34</p>

<p style="text-align: right;">Page 246</p> <p>1 Sanchez</p> <p>2 addressed and worked on.</p> <p>3 So they were not telling me</p> <p>4 anything that I didn't already know, and they</p> <p>5 left unhappy. 15:52:44</p> <p>6 Q. Did you know at that time whether</p> <p>7 any of those three officers weren't qualified?</p> <p>8 MS. ZWILLING: Objection. What do</p> <p>9 you mean by qualified?</p> <p>10 Q. With respect to the qualifying 15:52:52</p> <p>11 Civil Service specifications?</p> <p>12 MS. ZWILLING: If they met the</p> <p>13 minimum qualifications, or does she think</p> <p>14 that they should have been given the</p> <p>15 police officer -- 15:53:03</p> <p>16 Q. If they met the minimum</p> <p>17 qualifications?</p> <p>18 MR. NOVIKOFF: Why is that even</p> <p>19 relevant?</p> <p>20 THE WITNESS: And it is not. 15:53:10</p> <p>21 A. But I believe that they were at</p> <p>22 that point in time. They were not always. I</p> <p>23 believe that when I first started the project</p> <p>24 of trying to find who needed exams and who</p> <p>25 didn't I believe that a couple of them were 15:53:19</p>	<p style="text-align: right;">Page 247</p> <p>1 Sanchez</p> <p>2 amongst the officers who did need some</p> <p>3 qualifying exams.</p> <p>4 But it was still not relevant</p> <p>5 because we were aware that officers were 15:53:27</p> <p>6 working there who had not completed all of</p> <p>7 their exams, but they didn't have a right to</p> <p>8 the position whether or not they had their</p> <p>9 exams completed or not.</p> <p>10 Q. And did any of the three officers 15:53:39</p> <p>11 indicate to you that they had been working as</p> <p>12 part-time police officers throughout the year</p> <p>13 on a part-time basis, not only during the</p> <p>14 season?</p> <p>15 A. In the Village of Ocean Beach? 15:53:54</p> <p>16 Q. Yes.</p> <p>17 A. I don't recall that they mentioned</p> <p>18 that, but I was aware of it if they were.</p> <p>19 That didn't -- that was also irrelevant</p> <p>20 because the nature of a seasonal summertime 15:54:07</p> <p>21 employment is temporary in nature. That</p> <p>22 constitutes a break in service no matter if</p> <p>23 they worked every single day of the year.</p> <p>24 They had a break in service by working those</p> <p>25 summers every year, that was a break in 15:54:21</p>
<p style="text-align: right;">Page 248</p> <p>1 Sanchez</p> <p>2 service.</p> <p>3 So they didn't have continuous</p> <p>4 service, and that is also irrelevant whether</p> <p>5 or not they had continuous service or worked 15:54:29</p> <p>6 all year because the fact of the matter</p> <p>7 remains that they were not -- the way that it</p> <p>8 was done is that they were not rehired. It</p> <p>9 was not a permanent position. So Section 75</p> <p>10 and firing wasn't applied, it was just to not 15:54:47</p> <p>11 rehire.</p> <p>12 Q. And did you discuss these legal</p> <p>13 requirements with George Hesse at the time</p> <p>14 that he had contacted you to let you know that</p> <p>15 he didn't want to rehire officers? 15:54:59</p> <p>16 A. Well, when he inquired with me as</p> <p>17 to what he was looking to do, like I mentioned</p> <p>18 before I consulted with my supervisor to ask</p> <p>19 him to advise me as to what the law was with</p> <p>20 regards to this and how it pertained to these 15:55:13</p> <p>21 types of positions, and he explained it to me</p> <p>22 and then I explained it to George Hesse.</p> <p>23 Q. And what supervisor did you</p> <p>24 consult with?</p> <p>25 A. Philip Cohen. 15:55:21</p>	<p style="text-align: right;">Page 249</p> <p>1 Sanchez</p> <p>2 Q. And did you have Hesse waiting on</p> <p>3 the phone while you consulted?</p> <p>4 A. No.</p> <p>5 Q. So you consulted and then called 15:55:42</p> <p>6 Hesse back?</p> <p>7 A. Yes.</p> <p>8 Q. Did your consultation with Philip</p> <p>9 Cohen happen on the same day as Hesse called</p> <p>10 you? 15:55:51</p> <p>11 A. The day he initially called me to</p> <p>12 inquire, yes..</p> <p>13 Q. And did you get back to Hesse</p> <p>14 after consulting with Phil Cohen on that same</p> <p>15 day? 15:55:59</p> <p>16 A. I believe it was the same day, but</p> <p>17 I wouldn't -- I wouldn't bet my life savings</p> <p>18 on it.</p> <p>19 Q. Did Phil Cohen work in the same</p> <p>20 physical office building as you did? 15:56:10</p> <p>21 A. Yes.</p> <p>22 Q. Was your consultation with</p> <p>23 Mr. Cohen an in person consultation?</p> <p>24 A. Yes.</p> <p>25 Q. How long did it take? 15:56:18</p>

<p style="text-align: right;">Page 250</p> <p>1 Sanchez</p> <p>2 MR. NOVIKOFF: What, to get to</p> <p>3 Phil Cohen's office or to have a meeting?</p> <p>4 Q. The consultation with Phil Cohen?</p> <p>5 A. It probably took about maybe 15:56:26</p> <p>6 fifteen minutes, because I believe he also</p> <p>7 showed me the section of law in the law book</p> <p>8 to show me how it also applied. So in</p> <p>9 addition to explaining it to me he also showed</p> <p>10 it to me. 15:56:40</p> <p>11 Q. And do you recall whether you were</p> <p>12 familiar with that section of the law book</p> <p>13 before Mr. Cohen showed it to you?</p> <p>14 MR. NOVIKOFF: Objection to the</p> <p>15 term familiar. 15:56:53</p> <p>16 A. Familiar in that I had looked at</p> <p>17 it before, but I consulted with Phil Cohen</p> <p>18 very frequently so that I would ensure that my</p> <p>19 understanding of it was correct. So I very</p> <p>20 often would not give an answer to a 15:57:08</p> <p>21 jurisdiction if they had a question with</p> <p>22 regard to law unless I was absolutely a</p> <p>23 hundred percent positive on my own. I went to</p> <p>24 him, to Phil all the time to ask him</p> <p>25 questions, so. 15:57:21</p>	<p style="text-align: right;">Page 251</p> <p>1 Sanchez</p> <p>2 Q. And what position did Phil Cohen</p> <p>3 hold at that time that that consultation took</p> <p>4 place?</p> <p>5 A. You already asked me that 15:57:38</p> <p>6 question. Twice actually.</p> <p>7 Q.. I am asking specifically as of --</p> <p>8 A. He has been the principal</p> <p>9 personnel officer since the beginning of my</p> <p>10 employment to the end of my employment in 15:57:50</p> <p>11 Civil Service.</p> <p>12 Q. Do you recall whether Mr. Cohen</p> <p>13 asked you any questions about the nature of</p> <p>14 the employment of the officers in Ocean Beach,</p> <p>15 or was that something that he seemed to -- 15:58:03</p> <p>16 A. That was part of the conversation,</p> <p>17 yes. I gave him a very well rounded</p> <p>18 description of what the situation was in</p> <p>19 asking him how the law applied.</p> <p>20 Q. Other than that communication with 15:58:17</p> <p>21 George Hesse did you have any communications</p> <p>22 with anyone else at Ocean Beach prior to the</p> <p>23 time when the officer called to ask you for a</p> <p>24 meeting; any communication with anyone else at</p> <p>25 Ocean Beach with respect to the issue of 15:58:39</p>
<p style="text-align: right;">Page 252</p> <p>1 Sanchez</p> <p>2 officers not being rehired at Ocean Beach?</p> <p>3 A. No.</p> <p>4 Q. Other than what you characterized</p> <p>5 as them trying to turn it into a whistle 15:58:48</p> <p>6 blowing proceeding and to tell on Hesse about</p> <p>7 other officers, meaning certification</p> <p>8 standards or qualification standards, did any</p> <p>9 of the three officers whistle blow or tell on</p> <p>10 Hesse with respect to any other issues? 15:59:08</p> <p>11 MR. NOVIKOFF: Objection.</p> <p>12 MR. CONNOLLY: Objection.</p> <p>13 A. Not that I can recall, and if they</p> <p>14 did I probably tuned it out anyway because it</p> <p>15 is not relevant. What they told me about I 15:59:19</p> <p>16 already knew, and if they were -- if there</p> <p>17 were other complaints about him personally I</p> <p>18 couldn't care less, it didn't matter.</p> <p>19 Q. So do you recall whether there</p> <p>20 were? 15:59:32</p> <p>21 A. I don't recall, no. If there was</p> <p>22 I probably wasn't paying attention.</p> <p>23 Q. Do you recall whether you knew at</p> <p>24 that time if any of the three officers held</p> <p>25 any other employment positions with Suffolk 15:59:43</p>	<p style="text-align: right;">Page 253</p> <p>1 Sanchez</p> <p>2 County?</p> <p>3 A. Yes. I don't remember which one,</p> <p>4 but I know somebody -- I think the older bald</p> <p>5 guy, I don't remember which one he is. 15:59:54</p> <p>6 MR. NOVIKOFF: Nofi?</p> <p>7 THE WITNESS: I don't know.</p> <p>8 MS. ZWILLING: Do we have more</p> <p>9 than one older bald guy?</p> <p>10 A. I don't know which one he is. He 16:00:10</p> <p>11 I think worked for DPW maybe, I am not sure,</p> <p>12 he had a position in the County. I don't</p> <p>13 remember who specifically, I know a number of</p> <p>14 the other officers in the department had</p> <p>15 worked for other jurisdictions in Suffolk 16:00:28</p> <p>16 County in different capacities.</p> <p>17 Q. Do you recall whether any of the</p> <p>18 three officers asked you during that meeting</p> <p>19 about whether the substance of their meeting</p> <p>20 with you would be confidential in any sense? 16:00:43</p> <p>21 A. No.</p> <p>22 Q. As far as you know were there any</p> <p>23 Civil Service policies pursuant to which a</p> <p>24 consultation of that nature would have been</p> <p>25 confidential? 16:01:03</p>

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<p>1 Sanchez</p> <p>2 MS. ZWILLING: Objection. Are you</p> <p>3 suggesting that this witness who works</p> <p>4 for the County has to put her County</p> <p>5 obligations aside and give first 16:01:09</p> <p>6 consideration to some persons who are not</p> <p>7 even employees of the County?</p> <p>8 MR. GRAFF: No. I am asking if</p> <p>9 the County had any policies that --</p> <p>10 MS. ZWILLING: Why should it; 16:01:20</p> <p>11 shouldn't you consider that before you</p> <p>12 ask a question that suggests to the</p> <p>13 witness that when an employee of a</p> <p>14 village walks into her office this woman</p> <p>15 has to put her job responsibilities aside 16:01:32</p> <p>16 and create some sort of confidentiality</p> <p>17 with your clients.</p> <p>18 She is not an attorney, she is not</p> <p>19 an accountant, she is not any sort of</p> <p>20 fiduciary, and she certainly doesn't work 16:01:44</p> <p>21 for your clients or the Village of Ocean</p> <p>22 Beach.</p> <p>23 MR. NOVIKOFF: I would also think,</p> <p>24 Ari, that given that confidentiality is</p> <p>25 very important in various context, that 16:01:51</p>	<p>1 Sanchez</p> <p>2 if there was such an obligation it would</p> <p>3 be written down somewhere other than in</p> <p>4 the Suffolk County law or the Civil</p> <p>5 Service law or regulations or anywhere. 16:02:02</p> <p>6 So had you done the research</p> <p>7 before you -- do you have a good faith</p> <p>8 basis to ask that question of this</p> <p>9 witness?</p> <p>10 MS. ZWILLING: If I come to your 16:02:09</p> <p>11 office and say I want to talk about your</p> <p>12 client, can I demand that our</p> <p>13 conversation be kept confidential at a</p> <p>14 cost to your client; no, because you</p> <p>15 don't work for me. 16:02:18</p> <p>16 MR. GRAFF: That was not at all my</p> <p>17 question to the witness. My question was</p> <p>18 if she was aware of any policy under</p> <p>19 which --</p> <p>20 MR. NOVIKOFF: Are you aware of 16:02:26</p> <p>21 any policy?</p> <p>22 MR. GRAFF: I am not, but I am not</p> <p>23 the witness.</p> <p>24 MS. ZWILLING: Okay. I am going</p> <p>25 to ask you then what is your good faith 16:02:34</p>
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<p>1 Sanchez</p> <p>2 basis for suggesting to the witness that</p> <p>3 although she works for the County of</p> <p>4 Suffolk, when someone who she doesn't</p> <p>5 work for and who does not work for her, 16:02:46</p> <p>6 when that individual walks into her</p> <p>7 office she needs to put her job</p> <p>8 responsibilities aside and give that</p> <p>9 person's conversation confidentiality at</p> <p>10 the expense of her employer. 16:02:59</p> <p>11 Because as I understand it if you</p> <p>12 work for someone you have obligations to</p> <p>13 your employer, and when some third-party</p> <p>14 walks into your office and demands an</p> <p>15 audience you don't put your obligations 16:03:12</p> <p>16 to your employer aside.</p> <p>17 MR. GRAFF: Okay. I am just</p> <p>18 trying to understand whether there was</p> <p>19 any part of her responsibilities or</p> <p>20 duties to the employer that would have 16:03:21</p> <p>21 created a context whereby this meeting</p> <p>22 could have been confidential.</p> <p>23 MS. ZWILLING: Yes, probably</p> <p>24 between her and her employer. You know,</p> <p>25 what you are saying is is do you have an 16:03:31</p>	<p>1 Sanchez</p> <p>2 obligation to your employer that you</p> <p>3 carry out for someone else's benefit.</p> <p>4 That question makes no sense.</p> <p>5 If you want to ask her is she 16:03:40</p> <p>6 required to keep all conversations</p> <p>7 between herself and County personnel</p> <p>8 confidential, that is a legitimate</p> <p>9 question. But she has no more obligation</p> <p>10 to your clients than I do, and I can 16:03:57</p> <p>11 assure you I have no obligation to keep</p> <p>12 anything that he says confidential.</p> <p>13 Q. Okay. Was there any obligation</p> <p>14 that you are aware of that would require that</p> <p>15 conversations with County personnel be kept 16:04:12</p> <p>16 confidential?</p> <p>17 MS. ZWILLING: I don't know why</p> <p>18 you would want to ask her that, but if</p> <p>19 that is your question she can answer it.</p> <p>20 A. No. 16:04:23</p> <p>21 DI Q. As far as you know is there</p> <p>22 anybody who is an employee of a municipality</p> <p>23 in the County who could have spoken with</p> <p>24 confidentiality in the Civil Service</p> <p>25 Department if they had wanted to do so? 16:04:34</p>

<p style="text-align: right;">Page 258</p> <p>1 Sanchez</p> <p>2 MS. ZWILLING: Objection to that.</p> <p>3 We do not work for them, nor do they work</p> <p>4 for us. We have no obligation to them</p> <p>5 and I am not going to allow you to ask 16:04:42</p> <p>6 questions to suggest that the County</p> <p>7 somehow has obligations to persons who it</p> <p>8 does not employ?</p> <p>9 MR. NOVIKOFF: I also join in the</p> <p>10 objection. 16:04:52</p> <p>11 MR. GRAFF: I am not suggesting</p> <p>12 that they do. I am asking if they do, it</p> <p>13 is a question to the witness.</p> <p>14 MS. ZWILLING: The County is a</p> <p>15 government, it is not the fiduciary of 16:05:01</p> <p>16 people. The County has no obligations to</p> <p>17 your client. Let me just put it that</p> <p>18 way. We have no obligations to your</p> <p>19 client, and for that reason I cannot</p> <p>20 allow you to pose questions that presume 16:05:14</p> <p>21 that the County engaged in wrongdoing if</p> <p>22 it didn't take on voluntarily some</p> <p>23 obligation to your client.</p> <p>24 MR. NOVIKOFF: Here is the</p> <p>25 question I also have is where in your 16:05:25</p>	<p style="text-align: right;">Page 259</p> <p>1 Sanchez</p> <p>2 complaint is there an allegation that</p> <p>3 alleges that anything that Ms. Sanchez</p> <p>4 said with regard to this meeting, one,</p> <p>5 states a cause of action under New York 16:05:36</p> <p>6 law, and two, has caused any of your</p> <p>7 clients damages. I mean if it is</p> <p>8 not then it is really not that relevant.</p> <p>9 MR. GRAFF: Why don't we mark the</p> <p>10 transcript here for the unanswered 16:05:45</p> <p>11 question.</p> <p>12 Q. Do you recall whether any of the</p> <p>13 officers asked during that meeting if their</p> <p>14 communication with you was in any sense</p> <p>15 confidential? 16:05:56</p> <p>16 A. If they asked -- say that again.</p> <p>17 Q. If any of the officers asked you</p> <p>18 whether their meeting with you, whether what</p> <p>19 was communicated in that meeting was in any</p> <p>20 way confidential? 16:06:05</p> <p>21 A. No.</p> <p>22 Q. Did the officer who indicated to</p> <p>23 you that he had another job in Suffolk County,</p> <p>24 do you recall whether he indicated to you why</p> <p>25 he was sharing that information at that time? 16:06:22</p>
<p style="text-align: right;">Page 260</p> <p>1 Sanchez</p> <p>2 MS. ZWILLING: Sharing which</p> <p>3 information?</p> <p>4 Q. That he had another County job?</p> <p>5 MS. ZWILLING: Assuming he did. 16:06:31</p> <p>6 Q. Right. When he stated that he did</p> <p>7 did he give any context for why he was making</p> <p>8 that statement?</p> <p>9 A. Not that I can recall. It would</p> <p>10 be irrelevant anyway. 16:06:41</p> <p>11 Q. After meeting with the three</p> <p>12 officers in your office did you have any</p> <p>13 subsequent communications with any of those</p> <p>14 three officers?</p> <p>15 A. No. 16:06:52</p> <p>16 Q. Do you know whether any of those</p> <p>17 three officers attempted to contact you after</p> <p>18 that meeting?</p> <p>19 A. No.</p> <p>20 Q. Did you discuss that meeting with 16:07:05</p> <p>21 anyone after it took place, other than your</p> <p>22 counsel?</p> <p>23 A. Ever?</p> <p>24 Q. Yes.</p> <p>25 A. Yes. 16:07:21</p>	<p style="text-align: right;">Page 261</p> <p>1 Sanchez</p> <p>2 Q. Who was the first person that you</p> <p>3 discussed that meeting with after it was</p> <p>4 concluded?</p> <p>5 A. I think I might have told Phil 16:07:26</p> <p>6 Cohen.</p> <p>7 Q. Do you recall what you told Phil</p> <p>8 Cohen about the meeting after it was</p> <p>9 concluded?</p> <p>10 A. Specifically no. I mean all I can 16:07:45</p> <p>11 tell him is what transpired.</p> <p>12 Q. Did you take any notes during that</p> <p>13 meeting?</p> <p>14 A. No.</p> <p>15 Q. Did you take any notes concerning 16:07:55</p> <p>16 the meeting at any point after the meeting?</p> <p>17 A. I wrote on a post-it who had come</p> <p>18 to see me, and the date and time.</p> <p>19 Q. Do you recall what you did with</p> <p>20 that post-it? 16:08:09</p> <p>21 A. I can't find it. I have it</p> <p>22 someplace. I can't find it.</p> <p>23 RQ Q. We call for the production of the</p> <p>24 post-it to the extent that you can find it.</p> <p>25 Other than Phil Cohen do you 16:08:24</p>

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<p>1 Sanchez</p> <p>2 recall anybody else who you communicated with</p> <p>3 with respect to that meeting with the three</p> <p>4 officers after the meeting concluded?</p> <p>5 A. I am not really sure. I think -- 16:08:32</p> <p>6 I don't know. At some point I told Alan</p> <p>7 Schneider. I don't know. I don't recall</p> <p>8 because it was like not important. I told</p> <p>9 Alan Schneider when he was asking me about</p> <p>10 when this whole thing was coming about with 16:09:14</p> <p>11 the lawsuit and that is when he asked me.</p> <p>12 Q. Did you have any communications</p> <p>13 with George Hesse concerning the meeting with</p> <p>14 the three officers at any point before or</p> <p>15 after that meeting? 16:09:26</p> <p>16 A. Not that I can recall. There was</p> <p>17 not -- it was not important.</p> <p>18 Q. Other than what you have already</p> <p>19 testified to can you recall any other</p> <p>20 communications with anyone concerning the 16:10:04</p> <p>21 meeting with those three officers?</p> <p>22 A. I told Ms. Zwilling.</p> <p>23 DI Q. Was that after the lawsuit had</p> <p>24 already been initiated?</p> <p>25 MS. ZWILLING: Objection. 16:10:22</p>	<p>1 Sanchez</p> <p>2 Attorney/client privilege.</p> <p>3 MR. NOVIKOFF: Hold on a second.</p> <p>4 MR. GRAFF: Off the record for a</p> <p>5 second. 16:10:33</p> <p>6 THE VIDEOGRAPHER: The time is</p> <p>7 4:10, we are off the record.</p> <p>8 (Recess taken.)</p> <p>9 MR. GRAFF: Would you mark this as</p> <p>10 Sanchez Exhibit 15, complaint. 16:12:45</p> <p>11 (Sanchez Exhibit 15, complaint,</p> <p>12 marked for identification, as of this</p> <p>13 date.)</p> <p>14 THE VIDEOGRAPHER: The time is</p> <p>15 4:13, we are on the record. 16:13:28</p> <p>16 MR. NOVIKOFF: Mr. Graff, you are</p> <p>17 going to purport that Exhibit 15 is a</p> <p>18 true and accurate and complete copy of</p> <p>19 the complaint that was filed in this</p> <p>20 action? 16:13:37</p> <p>21 MR. GRAFF: Yes. Although I am</p> <p>22 not going to print -- it is printed on</p> <p>23 double sided pages.</p> <p>24 Q. Ms. Sanchez, could I please ask</p> <p>25 you to turn to paragraph 100 of the complaint? 16:13:46</p>
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<p>1 Sanchez</p> <p>2 A. Yes.</p> <p>3 MR. NOVIKOFF: I got that one</p> <p>4 circled.</p> <p>5 MS. ZWILLING: I have it marked 16:14:01</p> <p>6 too, what do you know.</p> <p>7 Q. Ms. Sanchez, if I could ask you to</p> <p>8 please just read paragraph 100 for the record.</p> <p>9 MR. NOVIKOFF: No, no -- well, I</p> <p>10 can't tell the witness to do anything. 16:14:11</p> <p>11 It says what it says, counsel.</p> <p>12 MS. ZWILLING: Why doesn't she</p> <p>13 just read it to herself, and then if you</p> <p>14 have a question, fine. We don't want to</p> <p>15 take up time reading the complaint into 16:14:20</p> <p>16 the record.</p> <p>17 MR. GRAFF: I believe it is two</p> <p>18 sentences, so it will be clear for the</p> <p>19 transcript.</p> <p>20 A. Okay. So I am reading something 16:14:27</p> <p>21 that is in words of somebody else. So this is</p> <p>22 not -- I am not stating by reading this that</p> <p>23 this is what I said. I am actually reading</p> <p>24 aloud what somebody else is accusing me of</p> <p>25 saying. 16:14:45</p>	<p>1 Sanchez</p> <p>2 This document states that:</p> <p>3 Sanchez assured Officers Fiorilli, Nofi and</p> <p>4 Lamm that their conversation would remain</p> <p>5 confidential and that they should speak freely 16:14:57</p> <p>6 and candidly. Particularly because Officer</p> <p>7 Nofi was a full-time employee of Suffolk</p> <p>8 County and disclosure of his decision to seek</p> <p>9 recourse for Hesse and the OBPD's unlawful</p> <p>10 termination of his employment potentially 16:15:17</p> <p>11 would adversely affect his other job with the</p> <p>12 County.</p> <p>13 Q. Thank you Ms. Sanchez.</p> <p>14 Now, I understand those were not</p> <p>15 your words -- 16:15:30</p> <p>16 A. Oh, absolutely not. There are</p> <p>17 just a multiple of things wrong with this</p> <p>18 paragraph.</p> <p>19 Q. What are you referring to?</p> <p>20 A. The entire thing is a fabrication. 16:15:37</p> <p>21 First of all I never used the word candidly,</p> <p>22 so I never told anybody -- so I never said</p> <p>23 that anybody should speak freely and candidly.</p> <p>24 In addition the fact that Officer</p> <p>25 Nofi was a full-time employee of Suffolk 16:15:55</p>

<p style="text-align: right;">Page 266</p> <p>1 Sanchez</p> <p>2 County had no bearing on what had happened at</p> <p>3 Ocean Beach, and in my opinion his -- anything</p> <p>4 that happened in Ocean Beach could not hurt</p> <p>5 his employment with the County, and I was 16:16:07</p> <p>6 unaware of any type of recourse they were</p> <p>7 going to take, that would be if I had a</p> <p>8 crystal ball.</p> <p>9 So how would I tell them that</p> <p>10 their decision to seek recourse could hurt his 16:16:18</p> <p>11 job. I didn't know what they were going to</p> <p>12 do. All they were doing was complaining to</p> <p>13 me. They didn't notify me of any possible or</p> <p>14 future plans to sue or seek recourse in any</p> <p>15 way. So everything in this paragraph is 16:16:35</p> <p>16 impossible to have taken place.</p> <p>17 Q. Okay, thank you. That is all I</p> <p>18 wanted from you.</p> <p>19 A. Good.</p> <p>20 MR. NOVIKOFF: That accomplished a 16:16:48</p> <p>21 lot. You want to go through 99 through</p> <p>22 105; if you don't I will.</p> <p>23 MR. GRAFF: Is there any other</p> <p>24 part of the complaint that you would like</p> <p>25 to read into the record, Mr. Novikoff? 16:17:00</p>	<p style="text-align: right;">Page 267</p> <p>1 Sanchez</p> <p>2 MS. ZWILLING: I don't think we</p> <p>3 want to read anything into the record.</p> <p>4 MR. NOVIKOFF: I am not reading</p> <p>5 anything into the record, I am just 16:17:06</p> <p>6 saying if you want to go through the rest</p> <p>7 of the paragraphs, great. If you don't I</p> <p>8 will.</p> <p>9 A. Oh, I see a mistake in this</p> <p>10 complaint. 16:17:11</p> <p>11 MS. ZWILLING: There is no</p> <p>12 question.</p> <p>13 Q. Please.</p> <p>14 A. You go ahead, ask me questions.</p> <p>15 Q. What mistake were you referring to 16:17:18</p> <p>16 a moment ago?</p> <p>17 A. 99 appeared to be incorrect.</p> <p>18 Q. Could you read the portion of 99</p> <p>19 that you believe to be incorrect?</p> <p>20 A. "Upon information and belief 16:17:27</p> <p>21 Sanchez was responsible for appointing and</p> <p>22 approving the hiring of the uncertified</p> <p>23 officers at OBPD."</p> <p>24 I was not responsible to appoint</p> <p>25 anybody, that is a jurisdiction's 16:17:43</p>
<p style="text-align: right;">Page 268</p> <p>1 Sanchez</p> <p>2 responsibility.</p> <p>3 Q. Okay.</p> <p>4 A. I also don't approve their hires.</p> <p>5 I approve the CS-150 to make sure that it is 16:17:50</p> <p>6 in compliance with Civil Service Law. I have</p> <p>7 nothing to do with the people, the persons,</p> <p>8 nothing like that.</p> <p>9 Q. Okay. Thank you for that.</p> <p>10 Do you recall whether during that 16:18:02</p> <p>11 meeting the officers asked you if they did</p> <p>12 have any possible recourse?</p> <p>13 A. I don't believe -- I recall they</p> <p>14 asked me if they had recourse. I believe that</p> <p>15 I did make a statement to them notifying them 16:18:15</p> <p>16 that based on the law there was nothing that</p> <p>17 they could do about the decision by the</p> <p>18 village to not rehire them.</p> <p>19 Q. If I could ask the court reporter</p> <p>20 to please mark as Sanchez Exhibit 16, a 16:18:31</p> <p>21 multipage document produced by Ocean Beach</p> <p>22 bearing the Bates numbers 2652 through 2658.</p> <p>23 (Sanchez Exhibit 16, multipage</p> <p>24 document bearing Bates numbers 2652</p> <p>25 through 2658, marked for identification, 16:18:47</p>	<p style="text-align: right;">Page 269</p> <p>1 Sanchez</p> <p>2 as of this date.)</p> <p>3 Q. Ms. Sanchez, when you had a chance</p> <p>4 to take a look at the document can you tell me</p> <p>5 if this is a document that you have ever seen 16:19:34</p> <p>6 before?</p> <p>7 A. No.</p> <p>8 Q. No, it is not something that you</p> <p>9 have ever seen?</p> <p>10 A. No. 16:19:42</p> <p>11 Q. Let's put it aside. Just to be</p> <p>12 clear do you know what the document is?</p> <p>13 A. No. That is what I was trying to</p> <p>14 see.</p> <p>15 Q. I ask the court reporter to mark 16:19:52</p> <p>16 as Sanchez Exhibit 17, a two-page document</p> <p>17 produced by Ocean Beach bearing Bates numbers</p> <p>18 233 and 234.</p> <p>19 (Sanchez Exhibit 17, two-page</p> <p>20 document bearing Bates numbers 233 and 16:20:00</p> <p>21 234, marked for identification, as of</p> <p>22 this date.)</p> <p>23 Q. Ms. Sanchez, when you have had a</p> <p>24 chance to review the document my first</p> <p>25 question is whether you have seen either of 16:20:43</p>

<p style="text-align: right;">Page 270</p> <p>1 Sanchez</p> <p>2 these pages before?</p> <p>3 A. Yes.</p> <p>4 Q. Have you seen both pages?</p> <p>5 A. Yes. 16:20:48</p> <p>6 Q. Could you identify the first page</p> <p>7 of the document?</p> <p>8 A. CS-150.</p> <p>9 Q. And can you tell whether any of</p> <p>10 the handwritten markings on the document are 16:21:01</p> <p>11 markings that you placed on it?</p> <p>12 A. Yes, they are.</p> <p>13 Q. And which handwritten markings are</p> <p>14 you referring to?</p> <p>15 A. The check next to approved as 16:21:11</p> <p>16 noted. The check next to disapproved. The</p> <p>17 initials next to that. And 1/18/05 as noted</p> <p>18 is my handwriting.</p> <p>19 Q. The initials, is that AC?</p> <p>20 A. Yes. 16:21:28</p> <p>21 Q. Turning to the second page of the</p> <p>22 document, could you identify the second page?</p> <p>23 A. That is what the village had sent</p> <p>24 to me, as I had described before they would</p> <p>25 send their own form in order to report the 16:21:45</p>	<p style="text-align: right;">Page 271</p> <p>1 Sanchez</p> <p>2 personnel transactions as opposed to writing</p> <p>3 them up directly on the CS-150.</p> <p>4 Q. And do you recall whether any of</p> <p>5 the handwritten notations on the second page 16:21:56</p> <p>6 are notations that you made on the document?</p> <p>7 A. Yes.</p> <p>8 Q. And which notations did you make</p> <p>9 on this document?</p> <p>10 A. The word disapproved appears to be 16:22:05</p> <p>11 in my handwriting. And the checkmarks as</p> <p>12 well. Possibly, but I couldn't swear to the</p> <p>13 checkmarks.</p> <p>14 Q. Referring to the checkmarks on the</p> <p>15 far left? 16:22:23</p> <p>16 A. Yes.</p> <p>17 Q. And what about the two circled</p> <p>18 police officer?</p> <p>19 A. I couldn't swear that that was my</p> <p>20 circle. 16:22:34</p> <p>21 Q. And I note that some of the</p> <p>22 times -- some of the places where the word</p> <p>23 disapproved is written the word is underlined,</p> <p>24 and some of the times it is not. Do you know</p> <p>25 whether you intended to signify anything by 16:22:47</p>
<p style="text-align: right;">Page 272</p> <p>1 Sanchez</p> <p>2 underlining the term disapproved in certain</p> <p>3 instances?</p> <p>4 A. I don't know that I was the one</p> <p>5 who underlined, so I really couldn't tell you 16:22:59</p> <p>6 why they are underlined.</p> <p>7 Q. And how did you determine which</p> <p>8 officer's names to write the word disapproved</p> <p>9 next to?</p> <p>10 A. Well, I don't recall. It was 16:23:12</p> <p>11 probably relayed to the jurisdiction through a</p> <p>12 telephone conversation the reason that they</p> <p>13 were disapproved if I didn't write it down,</p> <p>14 and it was likely based upon qualification</p> <p>15 disputes. Or the service, breaks in service 16:23:31</p> <p>16 possibly. It could have been a multitude of</p> <p>17 reasons that they were disapproved.</p> <p>18 Q. Do you recall whether you sent the</p> <p>19 document back to Ocean Beach after making the</p> <p>20 notations on it? 16:23:46</p> <p>21 A. Well, I don't recall exactly, but</p> <p>22 I likely did since it says approved and</p> <p>23 disapproved, and there is nothing on the</p> <p>24 CS-150, so they would need to know</p> <p>25 specifically what is approved and disapproved. 16:23:59</p>	<p style="text-align: right;">Page 273</p> <p>1 Sanchez</p> <p>2 So I would imagine that this page was attached</p> <p>3 when returned to the jurisdiction.</p> <p>4 Q. Turning back to the first page of</p> <p>5 the document at the bottom right there is a 16:24:11</p> <p>6 signature of the appointing authority. Do you</p> <p>7 recognize that signature?</p> <p>8 A. Maryann Minerva.</p> <p>9 Q. Do you recall whether documents of</p> <p>10 this nature would be returned to the 16:24:22</p> <p>11 jurisdiction to the attention of Maryann</p> <p>12 Minerva?</p> <p>13 A. I don't know that the address</p> <p>14 label said her name on it.</p> <p>15 Q. Do you recall whether a document 16:24:31</p> <p>16 like this would be returned to George Hesse?</p> <p>17 A. No.</p> <p>18 Q. No, it would not?</p> <p>19 A. No, it would not.</p> <p>20 Q. On the second page of the document 16:24:44</p> <p>21 does it indicate the position that the</p> <p>22 individuals named held?</p> <p>23 A. Does it indicate the position that</p> <p>24 they held?</p> <p>25 MR. NOVIKOFF: Objection. This 16:25:01</p>

<p style="text-align: right;">Page 274</p> <p>1 Sanchez</p> <p>2 witness doesn't draft this second page of</p> <p>3 the document. So when you say position,</p> <p>4 I think that is a little bit misleading.</p> <p>5 Q. I will clarify. 16:25:09</p> <p>6 When you wrote the word</p> <p>7 disapproved next to some of these rows what</p> <p>8 did you intend to communicate by the word</p> <p>9 disapproved?</p> <p>10 A. That the transaction was not 16:25:21</p> <p>11 approved because there was something that they</p> <p>12 didn't do right.</p> <p>13 Q. When the word disapproved is not</p> <p>14 written there does that indicate that it --</p> <p>15 A. It is approved. 16:25:35</p> <p>16 Q. It is approved, and what was</p> <p>17 approved for example with respect to Bacon,</p> <p>18 Tyree, on the second name on the list?</p> <p>19 A. That he resigned effective on that</p> <p>20 date. 16:25:50</p> <p>21 Q. And resigned from what employment</p> <p>22 position; if you can tell from this document?</p> <p>23 A. Police officer.</p> <p>24 Q. And when you wrote disapproved at</p> <p>25 some places did that indicate that the 16:26:07</p>	<p style="text-align: right;">Page 275</p> <p>1 Sanchez</p> <p>2 resignation as of that date was disapproved,</p> <p>3 or am I misunderstanding?</p> <p>4 A. Yes. There was likely a problem</p> <p>5 with the employment to begin with, so I don't 16:26:18</p> <p>6 know, without -- I mean I don't know if there</p> <p>7 is a page missing or something from this.</p> <p>8 Sometimes I color coded things with</p> <p>9 highlighters which is not on this copy either.</p> <p>10 So without actually seeing additional 16:26:33</p> <p>11 paperwork I don't recall.</p> <p>12 I mean this was in '05 I think.</p> <p>13 There was some point where the -- as time had</p> <p>14 gone on and I was working with the</p> <p>15 jurisdiction trying to correct all the 16:26:50</p> <p>16 problems that my work got more detailed and</p> <p>17 more diligent. It was really, really</p> <p>18 difficult to keep track of so many employees</p> <p>19 who had so many different things wrong with</p> <p>20 their personnel records as it pertained to 16:27:07</p> <p>21 Civil Service.</p> <p>22 So without any further indication</p> <p>23 on here I can't tell you for any of these</p> <p>24 people why they were disapproved.</p> <p>25 Q. And just to be clear when you 16:27:18</p>
<p style="text-align: right;">Page 276</p> <p>1 Sanchez</p> <p>2 wrote disapproved, you were indicating that</p> <p>3 they were disapproved -- were you indicating</p> <p>4 that they were disapproved for continued</p> <p>5 employment? 16:27:25</p> <p>6 A. No.</p> <p>7 Q. At the far left of the rows of</p> <p>8 names there is next to each name typewritten</p> <p>9 initials, do you see what I am referring to;</p> <p>10 the first one is RS, the second is RS. The 16:27:43</p> <p>11 third is --</p> <p>12 A. Those are transaction codes.</p> <p>13 Q. What does the transaction code RS</p> <p>14 stand for?</p> <p>15 A. Resign. 16:27:51</p> <p>16 Q. And the third transaction code</p> <p>17 down, C something?</p> <p>18 A. Call in.</p> <p>19 Q. And the second letter, is that</p> <p>20 code? 16:28:05</p> <p>21 A. I.</p> <p>22 Q. CI?</p> <p>23 A. Yes.</p> <p>24 Q. And what does call in mean in this</p> <p>25 context? 16:28:12</p>	<p style="text-align: right;">Page 277</p> <p>1 Sanchez</p> <p>2 A. That they were a call in employee.</p> <p>3 When they needed help they would call them in.</p> <p>4 And to clarify before you asked me if the</p> <p>5 disapproved meant that they were not supposed 16:28:23</p> <p>6 to be continuing on. With the people that</p> <p>7 they were reporting as call in if that -- if</p> <p>8 the people that were disapproved that have a</p> <p>9 CI next to it, and you asked me -- before you</p> <p>10 asked if all the disapproves were not -- I 16:28:36</p> <p>11 don't remember how you phrased it.</p> <p>12 But the people that were</p> <p>13 reporting -- that were reported as call in who</p> <p>14 were disapproved, the answer could be that</p> <p>15 they should not have been working without 16:28:55</p> <p>16 having finished all of their qualifying exams</p> <p>17 if indeed that was the reason why they were</p> <p>18 not working, which is again that was a</p> <p>19 situation of which the village was aware.</p> <p>20 Q. For example the very first name, 16:29:09</p> <p>21 Albanese, James, which has the code RS for</p> <p>22 resigned, and at the far right you wrote</p> <p>23 disapproved. What were you indicating with</p> <p>24 the disapproval?</p> <p>25 A. The transaction was not his 16:29:21</p>

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<p>1 Sanchez</p> <p>2 resigning being disapproved, but the</p> <p>3 transaction itself was disapproved because</p> <p>4 there was something wrong with it.</p> <p>5 Q. And could you give some examples? 16:29:31</p> <p>6 A. No. I don't remember why.</p> <p>7 Q. Do you recall what position Edward</p> <p>8 Paradiso held at the Ocean Beach Police</p> <p>9 Department when you served as a personnel</p> <p>10 analyst? 16:30:12</p> <p>11 A. I think he was a police sergeant.</p> <p>12 Q. And did Ed Paradiso to your</p> <p>13 knowledge hold any position other than police</p> <p>14 sergeant during your employment as personnel</p> <p>15 analyst? 16:30:22</p> <p>16 A. I believe his Civil Service title</p> <p>17 was police sergeant.</p> <p>18 Q. Do you know whether he held any</p> <p>19 title at Ocean Beach that was different from</p> <p>20 his Civil Service title? 16:30:32</p> <p>21 A. I don't recognize any other title</p> <p>22 other than a Civil Service title.</p> <p>23 Q. Do you know what Civil Service</p> <p>24 title George Hesse held during your employment</p> <p>25 as -- 16:30:43</p>	<p>1 Sanchez</p> <p>2 A. Police officer.</p> <p>3 Q. Did he hold any other Civil</p> <p>4 Service titles during your employment?</p> <p>5 A. No. 16:30:47</p> <p>6 Q. As far as you know did he have any</p> <p>7 other titles in the context of his employment</p> <p>8 at Ocean Beach other than police officer?</p> <p>9 A. That is the same question twice,</p> <p>10 and I don't recognize any other title besides 16:30:56</p> <p>11 the Civil Service title.</p> <p>12 Q. And when you say that -- when you</p> <p>13 say that you don't recognize any other title,</p> <p>14 what do you mean by that?</p> <p>15 A. In Police Departments or law 16:31:06</p> <p>16 enforcement agencies sometimes they have</p> <p>17 in-house titles or names that they call each</p> <p>18 other. Like for example the Sheriff's</p> <p>19 Department or the Corrections Department, they</p> <p>20 have -- they call them sarge or captain, but 16:31:23</p> <p>21 that is not a Civil Service title. There is</p> <p>22 Deputy Sheriff 1, Deputy Sheriff 2, and they</p> <p>23 may call each other sarge or whatever the</p> <p>24 other rankings in the military are, but we</p> <p>25 don't recognize that in Civil Service. We go 16:31:44</p>
Page 280	Page 281
<p>1 Sanchez</p> <p>2 by the proper title.</p> <p>3 Q. If I could ask the court reporter</p> <p>4 to mark as Sanchez Exhibit 18, a one-page</p> <p>5 document produced by plaintiffs bearing Bates 16:32:13</p> <p>6 number P 602.</p> <p>7 (Sanchez Exhibit 18, one-page</p> <p>8 document bearing Bates number P 602,</p> <p>9 marked for identification, as of this</p> <p>10 date.) 16:32:49</p> <p>11 Q. After you have had a chance to</p> <p>12 look at the document just let me know?</p> <p>13 A. Yep.</p> <p>14 Q. Have you ever seen this specific</p> <p>15 document before? 16:33:00</p> <p>16 A. Yep.</p> <p>17 Q. When did you first see this</p> <p>18 document?</p> <p>19 A. That would be when I filled it out</p> <p>20 on January 25, '06. 16:33:10</p> <p>21 Q. What part of this document did you</p> <p>22 fill out?</p> <p>23 A. Section 3.</p> <p>24 Q. Does section 3 indicate that you</p> <p>25 filled it out? 16:33:25</p>	<p>1 Sanchez</p> <p>2 MR. NOVIKOFF: What; objection.</p> <p>3 She just said she filled out section 3.</p> <p>4 Q. I am asking whether there is</p> <p>5 anything on the face of the document that 16:33:34</p> <p>6 indicates that you filled it out?</p> <p>7 A. Yes.</p> <p>8 MR. NOVIKOFF: Other than her</p> <p>9 handwriting?</p> <p>10 Q. Do you have P 602? 16:33:40</p> <p>11 A. Yes.</p> <p>12 Q. The name I see in section 3 is</p> <p>13 Schneider, Alan, personnel officer?</p> <p>14 A. Yes.</p> <p>15 Q. Is that the section that you 16:33:53</p> <p>16 filled out?</p> <p>17 A. Yes. You see the signature line,</p> <p>18 you see my initials?</p> <p>19 Q. Yes. At the far right by the</p> <p>20 date? 16:34:03</p> <p>21 A. Yes.</p> <p>22 Q. Did you sign Alan Schneider's name</p> <p>23 on this document?</p> <p>24 A. That would be a stamp.</p> <p>25 Q. Was this the only document of this 16:34:12</p>

<p style="text-align: right;">Page 282</p> <p>1 Sanchez</p> <p>2 nature that you filled out in Alan Schneider's</p> <p>3 name?</p> <p>4 A. Ever?</p> <p>5 Q. As far as you can recall, the only 16:34:21</p> <p>6 police registry entry form?</p> <p>7 A. Is this the only one that I ever</p> <p>8 filled out?</p> <p>9 Q. In Alan Schneider's name that you</p> <p>10 can recall? 16:34:31</p> <p>11 A. No.</p> <p>12 Q. Why didn't you fill it out in your</p> <p>13 own name?</p> <p>14 A. Because I was directed by my</p> <p>15 superiors to put Alan's name on it. 16:34:39</p> <p>16 Q. Which superiors directed you to do</p> <p>17 that?</p> <p>18 A. Phil Cohen.</p> <p>19 Q. Anyone else?</p> <p>20 A. I think possibly Cynthia DeStefano 16:34:49</p> <p>21 as well.</p> <p>22 Q. At the time that you filled out</p> <p>23 section 3 do you recall whether any of the</p> <p>24 other sections of the document were already</p> <p>25 filled out? 16:35:03</p>	<p style="text-align: right;">Page 283</p> <p>1 Sanchez</p> <p>2 A. They come to me that way.</p> <p>3 Q. Were sections 1, 2 and 4 filled</p> <p>4 out?</p> <p>5 A. Yes. 16:35:11</p> <p>6 Q. What if anything did you do with</p> <p>7 the document after filling out section 3?</p> <p>8 A. I believe I gave it to Alan</p> <p>9 Schneider's secretary, and I think they send</p> <p>10 it out from there. I think. Actually I think 16:35:25</p> <p>11 they just look them over and I am not a</p> <p>12 hundred percent sure, but I think that after</p> <p>13 they see it that it gets picked up by -- I</p> <p>14 think -- well with another jurisdiction I</p> <p>15 think they would come and get it. I am not 16:35:43</p> <p>16 sure if we mailed this back to Ocean Beach or</p> <p>17 if we mailed it directly upstate.</p> <p>18 Q. Do you know what the function or</p> <p>19 purpose of this form is?</p> <p>20 A. No. 16:35:53</p> <p>21 Q. In section 3 right above the</p> <p>22 signature line there is some italicized text.</p> <p>23 Do you see what I am referring to?</p> <p>24 A. Uh-hum.</p> <p>25 Q. Do you recall whether you read 16:36:01</p>
<p style="text-align: right;">Page 284</p> <p>1 Sanchez</p> <p>2 that text at the time that you stamped Alan</p> <p>3 Schneider's name and put your initials?</p> <p>4 A. Do I recall if I read it; I don't</p> <p>5 recall if I read it. 16:36:10</p> <p>6 Q. Do you recall if you ever read the</p> <p>7 text on a form like this at that spot?</p> <p>8 MR. NOVIKOFF: Are you suggesting</p> <p>9 for a moment that there was some type of</p> <p>10 fraud involved in this? 16:36:19</p> <p>11 A. Are you suggesting for a moment</p> <p>12 that there is some type of fraud involved in</p> <p>13 this, that because I stamped my superior's</p> <p>14 name and put my initials indicating that I did</p> <p>15 so, and then just explained to you that I gave 16:36:31</p> <p>16 it to Alan Schneider's office to review before</p> <p>17 released it out of our office, that I have</p> <p>18 done something that I should have not have</p> <p>19 done?</p> <p>20 Q. No. All I am asking is whether 16:36:41</p> <p>21 you read the italicized text?</p> <p>22 MR. NOVIKOFF: What is the basis</p> <p>23 for that question?</p> <p>24 MR. GRAFF: I don't need to</p> <p>25 justify the basis, I can ask her 16:36:48</p>	<p style="text-align: right;">Page 285</p> <p>1 Sanchez</p> <p>2 questions and you can instruct the</p> <p>3 witness not to answer.</p> <p>4 MR. NOVIKOFF: I am not</p> <p>5 instructing her not to do anything, but 16:36:52</p> <p>6 she is doing fine on her own.</p> <p>7 A. I don't recall whether I read it,</p> <p>8 and I don't think it was relevant whether I</p> <p>9 read it because I think that by placing my</p> <p>10 superior's stamp, signature on there as 16:37:03</p> <p>11 instructed to by my superiors, and then</p> <p>12 actually gave it to the actual person who's</p> <p>13 signature stamp is on there to review shows</p> <p>14 that this was in fact correctly filled out</p> <p>15 and handled properly. 16:37:21</p> <p>16 MR. NOVIKOFF: Makes sense to me.</p> <p>17 Q. Section 2 appears to have been</p> <p>18 filled out by George Hesse.</p> <p>19 MR. CONNOLLY: Objection.</p> <p>20 Q. As far as you know do you have any 16:37:30</p> <p>21 reason to believe that George Hesse did not</p> <p>22 fill out section 2?</p> <p>23 MS. ZWILLING: Maybe she has no</p> <p>24 reason to believe that he did. She</p> <p>25 doesn't have to accept only that 16:37:39</p>

<p style="text-align: right;">Page 286</p> <p>1 Sanchez</p> <p>2 possibility or reject it. Why don't you</p> <p>3 ask her if she knows who filled it out.</p> <p>4 Q. Do you know who filled out section</p> <p>5 2? 16:37:46</p> <p>6 A. No.</p> <p>7 Q. Do you recognize --</p> <p>8 MR. NOVIKOFF: Did you care who</p> <p>9 filled it out?</p> <p>10 THE WITNESS: No. 16:37:50</p> <p>11 Q. Do you recognize the signature on</p> <p>12 section 2?</p> <p>13 A. No.</p> <p>14 Q. Do you know whether George Hesse</p> <p>15 held the title of sergeant at the time that he 16:37:54</p> <p>16 filled out section 2; if he did?</p> <p>17 MR. NOVIKOFF: When you say title,</p> <p>18 internal at Ocean Beach or Civil Service</p> <p>19 title, because she has already answered</p> <p>20 the latter and I think she told you that 16:38:08</p> <p>21 she doesn't care about the former.</p> <p>22 Q. Do you understand what the field</p> <p>23 title was calling for in the context of this</p> <p>24 document?</p> <p>25 A. Which box? 16:38:20</p>	<p style="text-align: right;">Page 287</p> <p>1 Sanchez</p> <p>2 Q. The top right of section 2?</p> <p>3 A. Top right of section 2, right.</p> <p>4 Q. Do you know what information was</p> <p>5 to be entered in the field title; what that is 16:38:29</p> <p>6 asking for?</p> <p>7 A. No. I never really looked at that</p> <p>8 box. What I did was I looked at the person,</p> <p>9 the registrant information in the first box</p> <p>10 because that is who this document pertains to. 16:38:42</p> <p>11 We are certifying that this person is holding</p> <p>12 the title which is what the purpose of this</p> <p>13 form is is with regards to the person in box</p> <p>14 1.</p> <p>15 The other boxes are just the other 16:38:53</p> <p>16 people testifying to the person in box 1. So</p> <p>17 whatever is in box 2 is not really relevant to</p> <p>18 me. I am certifying with regards to the</p> <p>19 person in box 1 by filling out this</p> <p>20 information. That is the person being 16:39:08</p> <p>21 registered.</p> <p>22 DI Q. Turning back to the italicized</p> <p>23 text in section 3, the very last clause there</p> <p>24 says: I certify that it is true to the best</p> <p>25 of my knowledge and belief. 16:39:24</p>
<p style="text-align: right;">Page 288</p> <p>1 Sanchez</p> <p>2 Do you know what portion of the</p> <p>3 document that certification relates to?</p> <p>4 MS. ZWILLING: Objection. The</p> <p>5 document speaks for itself. 16:39:31</p> <p>6 MR. NOVIKOFF: I would think it</p> <p>7 refers --</p> <p>8 MS. ZWILLING: She is not the</p> <p>9 author of the document.</p> <p>10 MR. NOVIKOFF: I would think that 16:39:39</p> <p>11 the italicized portion that appears in</p> <p>12 section 3 refers to section 3, since</p> <p>13 virtually the same language appears in</p> <p>14 section 1, section 2 and section 4.</p> <p>15 MR. GRAFF: I am only asking 16:39:49</p> <p>16 because a minute ago the witness</p> <p>17 indicated that she was certifying with</p> <p>18 respect to the information on the</p> <p>19 registrant part in section 1. I may have</p> <p>20 misunderstood. I am only asking now 16:40:00</p> <p>21 whether --</p> <p>22 MR. NOVIKOFF: Yes. I am the</p> <p>23 Civil Service officer responsible for</p> <p>24 certifying the appointment of individuals</p> <p>25 appearing on the payroll of the law 16:40:08</p>	<p style="text-align: right;">Page 289</p> <p>1 Sanchez</p> <p>2 enforcement agency named in section 2.</p> <p>3 Agency in section 2 is Ocean Beach,</p> <p>4 referring to Edward Carter in section 1.</p> <p>5 Ari, I mean this is getting -- 16:40:27</p> <p>6 THE WITNESS: Irrelevant.</p> <p>7 MS. ZWILLING: Yeah.</p> <p>8 Q. Let's mark that and move on from</p> <p>9 the document.</p> <p>10 MR. NOVIKOFF: Mark it for what; 16:40:41</p> <p>11 she will answer the question, I am just</p> <p>12 telling you I think it is a silly</p> <p>13 question.</p> <p>14 Q.. If you could answer it, do you</p> <p>15 understand whether that is referring only to 16:40:43</p> <p>16 what is in section 3, or to any of the other</p> <p>17 information?</p> <p>18 A. It is referring to section 1. I</p> <p>19 told you that.</p> <p>20 Q. Okay. If I could ask the court 16:40:51</p> <p>21 reporter to please mark as Sanchez Exhibit 19,</p> <p>22 a three-page document bearing Bates numbers</p> <p>23 264 to 266 produced by Ocean Beach.</p> <p>24 (Sanchez Exhibit 19, three-page</p> <p>25 document bearing Bates numbers 264 to 16:41:01</p>

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<p>1 Sanchez</p> <p>2 266, marked for identification, as of</p> <p>3 this date.)</p> <p>4 Q. Ms. Sanchez, if you could just let</p> <p>5 me know when you had a chance to review the 16:41:50</p> <p>6 document?</p> <p>7 A. Uh-hum.</p> <p>8 Q. Do you recognize any of the pages</p> <p>9 of this document?</p> <p>10 A. Yes. 16:42:04</p> <p>11 Q. Have you seen any of these pages</p> <p>12 before?</p> <p>13 A. My signature is on all of them.</p> <p>14 Q. Looking at the first page of the</p> <p>15 document do you recall whether any of the 16:42:16</p> <p>16 handwritten notations other than your initials</p> <p>17 next to the approved are notations that you</p> <p>18 made on this document?</p> <p>19 A. Its possible. The checkmarks</p> <p>20 again as I stated before could have been that 16:42:32</p> <p>21 of the clerical.</p> <p>22 Q. When you make checkmarks by hand</p> <p>23 do you generally make them as these are with a</p> <p>24 check and another line slashing through it?</p> <p>25 A. That is an indication of somebody 16:42:48</p>	<p>1 Sanchez</p> <p>2 who has gone through something twice. So it</p> <p>3 could have been me, it could have been the</p> <p>4 clerical.</p> <p>5 Q. The nature of change indicated on 16:42:54</p> <p>6 this first page for all names is TM. Do you</p> <p>7 know what TM indicates in this document?</p> <p>8 A. That that employment had ended.</p> <p>9 Q. Does TM stand for anything?</p> <p>10 A. It could be terminated, but it 16:43:09</p> <p>11 doesn't necessarily mean -- it could be</p> <p>12 terminated just because it was the end of the</p> <p>13 season, as opposed to resign. They are kind</p> <p>14 of interchangeable.</p> <p>15 Q. On the first page of the document 16:43:25</p> <p>16 there is no notations of disapproved. Does</p> <p>17 that indicate that --</p> <p>18 A. At the bottom of the page it says</p> <p>19 approved.</p> <p>20 Q. So all of these -- 16:43:35</p> <p>21 A. All of these transactions were</p> <p>22 approved.</p> <p>23 Q. What about on the second page of</p> <p>24 the document?</p> <p>25 A. Disapproved as noted on the 16:43:47</p>
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<p>1 Sanchez</p> <p>2 bottom.</p> <p>3 Q. Are any of the handwritten</p> <p>4 notations on the document above that notations</p> <p>5 that you recognize as notations that you made? 16:43:56</p> <p>6 A. Those appear to be the handwriting</p> <p>7 of the clerical.</p> <p>8 Q. And is that the case with respect</p> <p>9 to all of the handwritten notations above the</p> <p>10 signature line? 16:44:15</p> <p>11 A. Yes.</p> <p>12 Q. Do you know what in the far right</p> <p>13 column under the heading duty statement --</p> <p>14 actually I can't clearly read it. Are you</p> <p>15 able to read it? 16:44:27</p> <p>16 A. I don't know where you are</p> <p>17 looking.</p> <p>18 Q. The column heading for the last</p> <p>19 column on the right.</p> <p>20 A. Duty statement number or name of 16:44:31</p> <p>21 previous incumbent.</p> <p>22 Q. And underneath each name there is</p> <p>23 a number. Do you know what the number is</p> <p>24 referring to?</p> <p>25 A. In the right-hand column? 16:44:52</p>	<p>1 Sanchez</p> <p>2 Q. Yes.</p> <p>3 A. Duty statement numbers.</p> <p>4 Q. And again in the nature of the</p> <p>5 change column there is a different code, APT, 16:45:07</p> <p>6 do you know what that stands for?</p> <p>7 A. Part-time appointment.</p> <p>8 Q. And the last four codes in that</p> <p>9 left column, it looks like there is some kind</p> <p>10 of line on the second letter, do you have 16:45:34</p> <p>11 any --</p> <p>12 A. It was just correcting. Somebody</p> <p>13 mistakenly typed in ADT, and it was just</p> <p>14 changed to a P.</p> <p>15 Q.. Is ADT that a code? 16:45:45</p> <p>16 A. No.</p> <p>17 Q. And the effective date on each</p> <p>18 name, what is that the effective date of?</p> <p>19 MR. NOVIKOFF: Are we now on the</p> <p>20 second page, Bates stamp number 265. 16:46:00</p> <p>21 MR. GRAFF: Yes.</p> <p>22 A. That that is the date that the</p> <p>23 transaction was effective.</p> <p>24 Q. And was that the date when they --</p> <p>25 those employees began their part-time service, 16:46:13</p>

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<p>1 Sanchez</p> <p>2 or concluded it?</p> <p>3 MR. NOVIKOFF: Objection.</p> <p>4 A. The code stated part-time</p> <p>5 appointment, not a termination of employment. 16:46:23</p> <p>6 So it was when they began working part-time.</p> <p>7 Q. Do you recall whether when you saw</p> <p>8 the document the handwritten notations under</p> <p>9 the heading title were already written on the</p> <p>10 document? 16:46:40</p> <p>11 A. Say that again.</p> <p>12 Q. When you saw this document did the</p> <p>13 handwritten notations under the column title,</p> <p>14 were those notations already on the document?</p> <p>15 A. No, the clerical put that in. 16:46:51</p> <p>16 Q. And was that after you had seen</p> <p>17 it?</p> <p>18 A. Uh-hum.</p> <p>19 Q. So when --</p> <p>20 MR. NOVIKOFF: Still on 265, 16:47:02</p> <p>21 right?</p> <p>22 Q. Still on 265.</p> <p>23 A. Sometimes they repeat it.</p> <p>24 Sometimes they would send CS-150's with the</p> <p>25 same information that they have already 16:47:14</p>	<p>1 Sanchez</p> <p>2 reported in the past. So if it was duplicate</p> <p>3 information that we were already aware of she</p> <p>4 would be able to notate on it as she did on</p> <p>5 this. Apparently all these had already been 16:47:24</p> <p>6 reported.</p> <p>7 So she knew that this one was</p> <p>8 previously approved. She knew that this</p> <p>9 person was disapproved until 10/5/05 and so</p> <p>10 on. All of this was duplicate information. 16:47:39</p> <p>11 Q. And at the signature block at the</p> <p>12 bottom when it is checked off disapproved and</p> <p>13 the handwritten word says noted and then your</p> <p>14 initials and the date. When it says</p> <p>15 disapproved as noted what is that referring 16:47:56</p> <p>16 to, as noted?</p> <p>17 A. The things that say disapproved as</p> <p>18 noted up here.</p> <p>19 Q. And were those things written</p> <p>20 there at the time that you saw the document? 16:48:10</p> <p>21 MR. NOVIKOFF: Objection.</p> <p>22 A. Probably went to the clerical</p> <p>23 person, they came back to me, and then I</p> <p>24 signed it.</p> <p>25 Q. Okay, I just wanted to clear that 16:48:27</p>
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<p>1 Sanchez</p> <p>2 up?</p> <p>3 A. Yeah. Because I would give her</p> <p>4 something saying that I think we already have</p> <p>5 this, she would notate it, I would review it, 16:48:36</p> <p>6 and then I would sign it.</p> <p>7 Q. The fourth name from the bottom,</p> <p>8 Arnold Hardman, under the title it says police</p> <p>9 officer, then an asterisk, then it looks like</p> <p>10 disapproved, hyphen, needs polygraph? 16:48:51</p> <p>11 A. Uh-hum.</p> <p>12 Q. What does needs polygraph mean in</p> <p>13 this context?</p> <p>14 A. It means that it is a qualifying</p> <p>15 exam that he had yet to take. 16:49:02</p> <p>16 Q. And as far as you know if you look</p> <p>17 at all three pages of the document, at the top</p> <p>18 in licensing the first one says 2 of 7, the</p> <p>19 second one says 7 of 7, the third one says 1</p> <p>20 of 7. Do you have any idea what that is 16:49:20</p> <p>21 referring to?</p> <p>22 A. Seven pages.</p> <p>23 Q. So when you saw the document was</p> <p>24 this a set of seven pages?</p> <p>25 MR. NOVIKOFF: Objection. 16:49:35</p>	<p>1 Sanchez</p> <p>2 MS. ZWILLING: Objection.</p> <p>3 MR. NOVIKOFF: She didn't testify</p> <p>4 to that. You asked her what that meant</p> <p>5 in a pretty poor way and she answered the 16:49:41</p> <p>6 question.</p> <p>7 Q. Were those notations on the pages</p> <p>8 when you received them if you recall?</p> <p>9 A. No, that is my handwriting..</p> <p>10 Q. And just on the last page, that is 16:49:48</p> <p>11 again your signature at the bottom, page 266?</p> <p>12 A. Yes.</p> <p>13 MR. NOVIKOFF: You mean her</p> <p>14 initials, not her signature.</p> <p>15 MR. GRAFF: Yes. 16:50:00</p> <p>16 Q. We can put aside that document. I</p> <p>17 ask the videographer what is left on this</p> <p>18 tape?</p> <p>19 THE VIDEOGRAPHER: Ten minutes.</p> <p>20 MR. GRAFF: Let's take a short 16:50:18</p> <p>21 break now.</p> <p>22 THE VIDEOGRAPHER: The time is</p> <p>23 4:50, we are off the record.</p> <p>24 (Recess taken.)</p> <p>25 MR. GRAFF: Would you mark this 16:54:00</p>

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<p>1 Sanchez</p> <p>2 document as Sanchez Exhibit 20, letter</p> <p>3 dated August 23, 2004.</p> <p>4 (Sanchez Exhibit 20, letter dated</p> <p>5 August 23, 2004, marked for 16:54:13</p> <p>6 identification, as of this date.)</p> <p>7 THE VIDEOGRAPHER: The time is</p> <p>8 4:54, we are on the record.</p> <p>9 Q. Ms. Sanchez, have you ever heard</p> <p>10 of something called the Ocean Beach Applicant 16:54:59</p> <p>11 Investigation Section?</p> <p>12 A. No.</p> <p>13 Q. Have you ever heard of anything</p> <p>14 called the Ocean Beach Police Department</p> <p>15 Benevolent Association? 16:55:12</p> <p>16 A. No.</p> <p>17 Q. I have asked the court reporter to</p> <p>18 mark as Exhibit 20 a two-page document without</p> <p>19 Bates numbers. If you could let me know when</p> <p>20 you had a chance to look at the document. My 16:55:28</p> <p>21 first question is have you seen either page 1</p> <p>22 or page 2 of the document before?</p> <p>23 A. Uh-hum. Yes.</p> <p>24 Q. Have you seen both pages of the</p> <p>25 document before? 16:55:38</p>	<p>1 Sanchez</p> <p>2 A. Yes.</p> <p>3 Q. The first page of the document has</p> <p>4 some -- in addition to the signature of</p> <p>5 Kathryn Spies, has some handwritten notations? 16:55:46</p> <p>6 A. All mine.</p> <p>7 Q. On the bottom section where you</p> <p>8 have some handwritten text --</p> <p>9 A. It is a key.</p> <p>10 Q. The third line on the key, the 16:56:04</p> <p>11 description is need qual exams as attached..</p> <p>12 A. Yes.</p> <p>13 Q. Does that description apply to any</p> <p>14 of the names listed above?</p> <p>15 A. Yes. 16:56:35</p> <p>16 Q. What is the symbol that</p> <p>17 corresponds to that?</p> <p>18 A. There is no symbol, it was a</p> <p>19 highlighter which is not showing up on this</p> <p>20 copy and I do not recall which people were 16:56:46</p> <p>21 originally highlighted.</p> <p>22 Q. And the very last bit on that</p> <p>23 document in handwriting, it is a little --</p> <p>24 A. No breaks in service per Hesse</p> <p>25 despite non-reporting by village. 16:57:02</p>
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<p>1 Sanchez</p> <p>2 Q. What does despite non-reporting by</p> <p>3 village --</p> <p>4 A. They did not report them, but</p> <p>5 George Hesse advised me that they did not have 16:57:11</p> <p>6 a break in service with regards to the years</p> <p>7 that they had worked.</p> <p>8 Q. Turning to the second page of the</p> <p>9 document, do you recognize any of the</p> <p>10 handwritten notations on this page? 16:57:22</p> <p>11 A. All mine.</p> <p>12 Q. On the far left column the</p> <p>13 notation D, what does that indicate?</p> <p>14 A. As indicated in the key in the</p> <p>15 upper righthand corner of the document it 16:57:34</p> <p>16 states disapproved, needs qualifying exams.</p> <p>17 Q. And the other two items on the</p> <p>18 key, were those also highlights or symbols?</p> <p>19 A. I don't recall if there was</p> <p>20 highlighting. I believe that the small circle 16:57:49</p> <p>21 indicated that needs testing, they were new</p> <p>22 employees. And the big circles which did have</p> <p>23 a highlighter in the middle says needs proof</p> <p>24 of continuous service.</p> <p>25 So you can conclude that there was 16:58:10</p>	<p>1 Sanchez</p> <p>2 highlighting on this sheet which is not</p> <p>3 apparent, so I could not testify as to who it</p> <p>4 applied to.</p> <p>5 Q. And the big circles, are those the 16:58:18</p> <p>6 circles inside of which it says needs proof of</p> <p>7 continuous service?</p> <p>8 A. It is likely those people.</p> <p>9 Q. And were there other highlights</p> <p>10 that corresponded to that key other than those 16:58:29</p> <p>11 big circles?</p> <p>12 A. I don't know. I would assume not,</p> <p>13 but again without seeing it in color I</p> <p>14 couldn't tell you if there was more.</p> <p>15 Q. We can put aside that document. 16:58:43</p> <p>16 Sanchez Exhibit 21, a one-page</p> <p>17 document produced by the County without Bates</p> <p>18 number.</p> <p>19 (Sanchez Exhibit 21, one-page</p> <p>20 document without Bates number, marked 16:58:52</p> <p>21 for identification, as of this date.)</p> <p>22 Q. Have you had a chance to look at</p> <p>23 the document?</p> <p>24 A. Yes.</p> <p>25 Q. Do you recognize this document? 16:59:25</p>

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<p>1 Sanchez</p> <p>2 A. Yes.</p> <p>3 Q. Could you identify the document?</p> <p>4 A. It was an internal record, I don't</p> <p>5 think I typed it, I think I got it from Stan 16:59:36</p> <p>6 Pelc, but I am not a hundred percent sure.</p> <p>7 Just trying to again keep track of all the</p> <p>8 different people and where they stood with</p> <p>9 regards to their qualifying exams.</p> <p>10 Q. Do you know whether any of the 16:59:53</p> <p>11 handwritten notations are your notations on</p> <p>12 this document?</p> <p>13 A. They are.</p> <p>14 Q. Are all of them?</p> <p>15 A. Yes. 17:00:02</p> <p>16 Q. On the far left column the</p> <p>17 notation looks like P?</p> <p>18 A. Uh-hum.</p> <p>19 Q. What does P stand for here?</p> <p>20 A. I don't remember. It could be 17:00:07</p> <p>21 passed.</p> <p>22 Q. Is there anything else -- strike</p> <p>23 that.</p> <p>24 Are you guessing that it could be</p> <p>25 passed? 17:00:21</p>	<p>1 Sanchez</p> <p>2 A. Yes.</p> <p>3 Q. Okay. Arnold Hardman -- excuse</p> <p>4 me. Patrick Cherry, the fourth name down, do</p> <p>5 you recall aside from what is written on the 17:00:31</p> <p>6 document anything about Patrick Cherry?</p> <p>7 A. No.</p> <p>8 Q. Do you recall why you underlined</p> <p>9 pending polygraph on some of this line?</p> <p>10 A. Possibly, so it would stand out to 17:00:45</p> <p>11 me.</p> <p>12 Q. And the last question on this</p> <p>13 document, between the names John Geyer and</p> <p>14 Michael Batista there is a gap that is</p> <p>15 slightly larger than the other ones. Do you 17:01:00</p> <p>16 know if there was anything indicated there in</p> <p>17 highlighting perhaps?</p> <p>18 A. I don't believe so.</p> <p>19 Q. Okay. You can put aside that one.</p> <p>20 Next exhibit is a one-page 17:01:15</p> <p>21 document produced by plaintiffs bearing Bates</p> <p>22 number P 543, Sanchez Exhibit 22.</p> <p>23 (Sanchez Exhibit 22, one-page</p> <p>24 document bearing Bates number P 543,</p> <p>25 marked for identification, as of this 17:01:17</p>
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<p>1 Sanchez</p> <p>2 date.)</p> <p>3 Q. Have you seen this document</p> <p>4 before?</p> <p>5 A. No. 17:02:09</p> <p>6 Q. Do you recall anything of a</p> <p>7 conversation --</p> <p>8 A. No.</p> <p>9 Q.. -- described here?</p> <p>10 A. No. 17:02:16</p> <p>11 Q. Do you recall --</p> <p>12 MR. NOVIKOFF: Come on, Ari, she</p> <p>13 never seen it, she recalls nothing about</p> <p>14 the conversation. What could -- I mean</p> <p>15 respectfully what could you possibly ask? 17:02:26</p> <p>16 MR. GRAFF: I am done with this</p> <p>17 one.</p> <p>18 MR. NOVIKOFF: Okay.</p> <p>19 Q. Ms. Sanchez, why did you stop</p> <p>20 working as a personnel analyst at Suffolk 17:02:54</p> <p>21 County Civil Service?</p> <p>22 A. Because I got a much better job</p> <p>23 with the Probation Department.</p> <p>24 Q. Better in what sense?</p> <p>25 A. More self fulfilling, more 17:03:06</p>	<p>1 Sanchez</p> <p>2 important, more stimulating, more money. I am</p> <p>3 able to help the community and serve a purpose</p> <p>4 in life doing something important, instead of</p> <p>5 sitting behind a desk 24/7 doing boring work. 17:03:25</p> <p>6 MR. NOVIKOFF: Don't hold back..</p> <p>7 Q. If I could ask the court reporter</p> <p>8 to mark as Sanchez Exhibit 23, a three-page</p> <p>9 document -- four-page document produced by</p> <p>10 plaintiffs Bates numbers P 373 to 376. It was 17:03:41</p> <p>11 also previously marked as Minerva 16.</p> <p>12 (Sanchez Exhibit 23, four-page</p> <p>13 document, Bates numbers P 373 to 376,</p> <p>14 marked for identification, as of this</p> <p>15 date.) 17:04:27</p> <p>16 A. Is there a question?</p> <p>17 Q. Do you recognize the form of the</p> <p>18 document?</p> <p>19 A. Uh-hum.</p> <p>20 Q. If you could turn please to the 17:04:30</p> <p>21 last page of the document?</p> <p>22 A. Yes.</p> <p>23 Q. Where the heading is your salary</p> <p>24 information, and then underneath some text</p> <p>25 saying total salary reported and some dates. 17:04:44</p>

<p style="text-align: right;">Page 306</p> <p>1 Sanchez</p> <p>2 Is the salary reporting in this context</p> <p>3 something that had anything to do with your</p> <p>4 job as personnel analyst?</p> <p>5 A. No. 17:04:52</p> <p>6 Q. You can put aside that document.</p> <p>7 MR. GRAFF: If we could take a</p> <p>8 very short break I might be done.</p> <p>9 THE VIDEOGRAPHER: The time is</p> <p>10 5:04, we are off the record. 17:05:05</p> <p>11 (Recess taken.)</p> <p>12 MR. GRAFF: Would you mark this</p> <p>13 document as Sanchez Exhibit 24, letter</p> <p>14 dated February 23, 2006.</p> <p>15 (Sanchez Exhibit 24, letter dated 17:06:44</p> <p>16 February 23, 2006, marked for</p> <p>17 identification, as of this date.)</p> <p>18 MR. GRAFF: Would you mark this</p> <p>19 document as Sanchez Exhibit 25, two-page</p> <p>20 list. 17:07:57</p> <p>21 (Sanchez Exhibit 25, two-page</p> <p>22 list, marked for identification, as of</p> <p>23 this date.)</p> <p>24 THE VIDEOGRAPHER: The time is</p> <p>25 5:08, we are on the record. 17:08:14</p>	<p style="text-align: right;">Page 307</p> <p>1 Sanchez</p> <p>2 Q. Ms. Sanchez, while we were off the</p> <p>3 record I asked the court reporter to mark</p> <p>4 Exhibit Sanchez 24, a one-page document</p> <p>5 without Bates number. Have you had a chance 17:08:26</p> <p>6 to look at that document?</p> <p>7 A. Yes.</p> <p>8 Q. Do you recognize it?</p> <p>9 A. Yes.</p> <p>10 Q. Have you seen it before? 17:08:31</p> <p>11 A. 24?</p> <p>12 Q. Yes.</p> <p>13 A. I wrote it.</p> <p>14 Q. Why did you write this document,</p> <p>15 Sanchez 24? 17:08:41</p> <p>16 A. As indicated in the first</p> <p>17 paragraph, as per our conversation she</p> <p>18 requested that I give her this information.</p> <p>19 That would be Naomi Jiminez.</p> <p>20 Q.. And the first sentence here, as 17:08:54</p> <p>21 per our conversation the following are the</p> <p>22 employment dates for the police officers you</p> <p>23 requested who have been employed by Ocean</p> <p>24 Beach Village since 1996.</p> <p>25 Ms. Sanchez, what were you 17:09:08</p>
<p style="text-align: right;">Page 308</p> <p>1 Sanchez</p> <p>2 referring to in that statement specifically</p> <p>3 when you wrote that there have been police</p> <p>4 officers who have been employed since 1996?</p> <p>5 A. She asked me specifically about 17:09:21</p> <p>6 these people, and she wanted me to put in</p> <p>7 writing the years that they had worked in the</p> <p>8 village. So I gave her specifically what she</p> <p>9 asked for.</p> <p>10 Q. The second sentence states: In 17:09:36</p> <p>11 Suffolk County seasonal employment is for the</p> <p>12 period two weeks before Memorial Day until two</p> <p>13 weeks after Labor Day.</p> <p>14 The four names that are listed</p> <p>15 here, each line starts off with the word 17:09:49</p> <p>16 seasonal and continues with some dates. The</p> <p>17 third name, Edward Carter, the first line is a</p> <p>18 sentence that starts off seasonal and some</p> <p>19 dates and it has a period. Then on the second</p> <p>20 line it states: Per jurisdiction worked '96, 17:10:08</p> <p>21 '97, '98, '99, '00, but neglected to report it</p> <p>22 thus far.</p> <p>23 What does that second sentence</p> <p>24 under Edward Carter's name mean?</p> <p>25 A. It means that he also worked and 17:10:28</p>	<p style="text-align: right;">Page 309</p> <p>1 Sanchez</p> <p>2 it was to be implied seasonally during those</p> <p>3 mentioned years, however it had not been</p> <p>4 reported on paper. As it states per the</p> <p>5 jurisdiction that is when he worked. So I was 17:10:45</p> <p>6 just letting her know that officially it</p> <p>7 wasn't reported, but that is what the</p> <p>8 jurisdiction -- I forgot what I just said. It</p> <p>9 wasn't officially reported.</p> <p>10 Q. Okay, that is all, thank you. 17:10:57</p> <p>11 The second document marked during</p> <p>12 the break, Sanchez 25, two-page document</p> <p>13 without Bates numbers. Ms. Sanchez, have you</p> <p>14 seen this document before?</p> <p>15 A. Yes. 17:11:11</p> <p>16 Q. Could you identify the document?</p> <p>17 A. It is a chart that I was asked to</p> <p>18 make by Cynthia DeStefano summarizing all of</p> <p>19 the police officers who have ever worked at</p> <p>20 Ocean Beach for as far back as I can find in 17:11:26</p> <p>21 our records, and write what their status was</p> <p>22 with regard to when they worked and when they</p> <p>23 passed their exams. What their current</p> <p>24 approved status was.</p> <p>25 Q. And the chart doesn't appear to be 17:11:41</p>

<p style="text-align: right;">Page 310</p> <p>1 Sanchez</p> <p>2 dated. Do you recall when you created it?</p> <p>3 A. It was probably around 2005 or --</p> <p>4 I am seeing that that is the latest date</p> <p>5 mentioned. So I would assume 2005 since there 17:12:00</p> <p>6 is nothing after that.</p> <p>7 Q. And did Ms. DeStefano indicate to</p> <p>8 you why she was asking that you create the</p> <p>9 chart at that time?</p> <p>10 A. I just think because there was a 17:12:13</p> <p>11 lot of questions being raised as to what is</p> <p>12 going on with them. You know, because we</p> <p>13 are -- there was a lot of things that were not</p> <p>14 going right. So I think she was just trying</p> <p>15 to get it organized. 17:12:29</p> <p>16 Q. And are the things that you are</p> <p>17 referring to that are not going right, is that</p> <p>18 different than the reporting problems that we</p> <p>19 already talked about today?</p> <p>20 A. Yes. This was a separate issue. 17:12:37</p> <p>21 Q. What issue was it?</p> <p>22 A.. The issue was with regards to when</p> <p>23 they passed their exams, like when they got</p> <p>24 approved or disapproved. That is what this is</p> <p>25 focusing on. Not whether they reported, but 17:12:51</p>	<p style="text-align: right;">Page 311</p> <p>1 Sanchez</p> <p>2 when they did work, when did they pass their</p> <p>3 exams. This took a lot of research as far as</p> <p>4 when they passed their exams, and a lot of</p> <p>5 time to complete this chart. 17:13:03</p> <p>6 Q. The fourth column of the chart is</p> <p>7 headed approved/disapproved?</p> <p>8 A. Uh-hum. Where they stood as of</p> <p>9 that date when I created the chart.</p> <p>10 Q. With respect to employment as 17:13:15</p> <p>11 what?</p> <p>12 A. Whether their appointments were</p> <p>13 approved or not.</p> <p>14 Q. Does it indicate the positions</p> <p>15 specifically here? 17:13:25</p> <p>16 A. They were all police officers.</p> <p>17 This wasn't the whole village, this was all</p> <p>18 the police officers that I had records on that</p> <p>19 had ever worked there for as far back as, you</p> <p>20 know, the earliest date on here back in the 17:13:41</p> <p>21 80s. So I had to look at every single CS-150</p> <p>22 that had been submitted since the 80s and</p> <p>23 document each person and put them on the chart</p> <p>24 and then go through every single one and then</p> <p>25 see if they were approved or not. And I had 17:13:56</p>
<p style="text-align: right;">Page 312</p> <p>1 Sanchez</p> <p>2 to research when they did their exams. It is</p> <p>3 kind of self-explanatory.</p> <p>4 Q. Maybe six names from the bottom on</p> <p>5 the first page, the name is Alan Loeffler and 17:14:10</p> <p>6 under the comments section it says:</p> <p>7 Continuous T of Islip Harbor Master.</p> <p>8 Do you recall what the</p> <p>9 significance of that statement is in the</p> <p>10 context of this document? 17:14:24</p> <p>11 A. There were breaks in service where</p> <p>12 you see seasons worked. There was a break in</p> <p>13 service between '74 and '77, and a break in</p> <p>14 service between '79 and '90. However he</p> <p>15 worked continuously in the Town of Islip as a 17:14:40</p> <p>16 harbor master, therefore he wouldn't need to</p> <p>17 retake his qualifying exams because he didn't</p> <p>18 have a break in service in Suffolk County.</p> <p>19 Q. So that statement is explaining</p> <p>20 that he is approved -- why he is approved 17:14:52</p> <p>21 despite there being breaks in service?</p> <p>22 A. Right.</p> <p>23 Q. Okay. There is just another</p> <p>24 abbreviation on the second page by the name</p> <p>25 Thomas Shore in the comments section? 17:15:22</p>	<p style="text-align: right;">Page 313</p> <p>1 Sanchez</p> <p>2 A. Uh-hum.</p> <p>3 Q. Could you read what the comments</p> <p>4 there?</p> <p>5 A. Passed all part, September 2005, 17:15:28</p> <p>6 took physical fitness May '05.</p> <p>7 Q. And it indicates that Thomas Shore</p> <p>8 was disapproved. Do you understand from the</p> <p>9 document what the basis of that disapproval</p> <p>10 is? 17:15:47</p> <p>11 A. No. I don't remember.</p> <p>12 Q. This is the last exhibit and I</p> <p>13 only have possibly one question on it. This</p> <p>14 is Sanchez Exhibit 26, a three-page document</p> <p>15 produced by Ocean Beach bearing Bates numbers 17:16:21</p> <p>16 10185 through 10187.</p> <p>17 (Sanchez Exhibit 26, three-page</p> <p>18 document, Bates numbers 10185 through</p> <p>19 10187, marked for identification, as of</p> <p>20 this date.) 17:17:04</p> <p>21 MR. GRAFF: Would you mark as</p> <p>22 Sanchez Exhibit 27, report of personnel</p> <p>23 changes.</p> <p>24 (Sanchez Exhibit 27, report of</p> <p>25 personnel changes, marked for 17:17:38</p>

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<p>1 Sanchez</p> <p>2 identification, as of this date.)</p> <p>3 Q. When you had an opportunity to</p> <p>4 look over Sanchez 26, can you tell me if you</p> <p>5 have ever seen that document before? 17:17:45</p> <p>6 A. No.</p> <p>7 Q. Put it aside.</p> <p>8 What about Sanchez Exhibit 27,</p> <p>9 which for the record is a two-page document</p> <p>10 produced by Ocean Beach bearing Bates number 17:17:55</p> <p>11 237 and 238?</p> <p>12 A. Yes.</p> <p>13 Q. Have you seen both pages of the</p> <p>14 document?</p> <p>15 A. Yes. 17:18:04</p> <p>16 Q. On the first page of the document</p> <p>17 do you recognize any of the handwritten</p> <p>18 notations as yours?</p> <p>19 A. The word disapproved is my</p> <p>20 handwriting. The rest of the handwriting is 17:18:22</p> <p>21 the clerical.</p> <p>22 Q. The second to last name has</p> <p>23 handwritten on top of it, police officer,</p> <p>24 (call in), and then in type underneath it,</p> <p>25 seasonal police officer? 17:18:36</p>	<p>1 Sanchez</p> <p>2 A. Uh-hum.</p> <p>3 Q. And then underneath it an</p> <p>4 abbreviation, it looks like approved?</p> <p>5 A. Uh-hum. 17:18:42</p> <p>6 Q. Do you understand what any of</p> <p>7 those handwritten notations mean in the</p> <p>8 context of this document?</p> <p>9 A. Well, you have to line it up with</p> <p>10 the notation that is above the other columns. 17:18:48</p> <p>11 It is not just there that there is something</p> <p>12 written in above it. So the nature of the</p> <p>13 change was RL where it says to line it up with</p> <p>14 police officer call in.. So he was being</p> <p>15 released as a call in police officer effective 17:19:04</p> <p>16 May 16th, which is when the beginning of the</p> <p>17 season would start two weeks before Memorial</p> <p>18 Day, and the seasonal employment was beginning</p> <p>19 May 17, '05.</p> <p>20 Q. And I think you just answered it, 17:19:18</p> <p>21 the nature of the change column at the far</p> <p>22 left, does RL stand for --</p> <p>23 A. Relieve.</p> <p>24 Q. And AT?</p> <p>25 A. Temporary. 17:19:27</p>
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<p>1 Sanchez</p> <p>2 Q. And SN?</p> <p>3 A. Seasonal.</p> <p>4 Q. So AT/SN?</p> <p>5 A. Is a temporary seasonal 17:19:36</p> <p>6 employment.</p> <p>7 Q. On the second page of the document</p> <p>8 do you recognize any of the handwritten</p> <p>9 notations?</p> <p>10 A. It is the clerical. 17:19:51</p> <p>11 Q. And the far right column, again</p> <p>12 under the heading duty statement number or</p> <p>13 name of previous incumbent?</p> <p>14 A. Uh-hum.</p> <p>15 Q. I know you indicated that numbers 17:20:03</p> <p>16 and a column like this in a form are your duty</p> <p>17 statement number?</p> <p>18 A. Uh-hum.</p> <p>19 Q. Are you able from the number to</p> <p>20 identify what the duty statement is; is that 17:20:15</p> <p>21 like a code like RL?</p> <p>22 A. Each duty statement when it is</p> <p>23 signed off on is assigned a number, it is a</p> <p>24 number is created on the document. It just</p> <p>25 represents a position number. So if they send 17:20:32</p>	<p>1 Sanchez</p> <p>2 in a duty statement for police officer, like</p> <p>3 this means that in 2004 seasonal police</p> <p>4 officer duty statement was submitted and this</p> <p>5 was the number that it was given. It could 17:20:43</p> <p>6 have been for any number of positions. It</p> <p>7 could have been for ten officers, and each of</p> <p>8 those ten positions corresponds to a position.</p> <p>9 And so as you see more than one person has the</p> <p>10 same duty statement number on the right-hand 17:21:02</p> <p>11 column.</p> <p>12 Q. So looking at the second page,</p> <p>13 take the first two names, they have different</p> <p>14 duty statement numbers?</p> <p>15 A. It doesn't mean anything. 17:21:13</p> <p>16 Q. It doesn't mean that they had</p> <p>17 different duties?</p> <p>18 A. No.</p> <p>19 Q. Do you know why there would be</p> <p>20 different duty statement numbers? 17:21:20</p> <p>21 A. Because we periodically ask them</p> <p>22 to submit a new duty statement just so we have</p> <p>23 updated records of what the position entails</p> <p>24 just to make sure that it is properly</p> <p>25 classified. 17:21:33</p>

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<p>1 Sanchez</p> <p>2 Q. I have no further questions for</p> <p>3 now. Thank you very much for your time.</p> <p>4 THE VIDEOGRAPHER: The time is</p> <p>5 5:24 and -- 17:21:40</p> <p>6 EXAMINATION BY</p> <p>7 MR. NOVIKOFF:</p> <p>8 Q. Good evening, Ms. Sanchez, how are</p> <p>9 you?</p> <p>10 A. Good, yes. 17:21:53</p> <p>11 Q. I am going to hopefully ask you a</p> <p>12 series of brief questions so that you can get</p> <p>13 out of here. We have been here since 10</p> <p>14 o'clock to day; is that right?</p> <p>15 A. A little bit earlier than that. 17:22:25</p> <p>16 Q. Right, and you are a named</p> <p>17 defendant in this lawsuit?</p> <p>18 A. Yes.</p> <p>19 Q. You have been named in your</p> <p>20 official capacity; right? 17:22:32</p> <p>21 A. Yes.</p> <p>22 Q. You also have been named in your</p> <p>23 individual capacity?</p> <p>24 A. Yes.</p> <p>25 Q. Are you aware that the plaintiffs 17:22:36</p>	<p>1 Sanchez</p> <p>2 in this case have alleged in the 14th cause of</p> <p>3 action that you and Mr. Hesse engaged in a</p> <p>4 conspiracy to do, among other things, destroy</p> <p>5 their careers. Are you aware of that? 17:22:51</p> <p>6 A. I am aware.</p> <p>7 Q. During the course of Mr. Graff,</p> <p>8 and Mr. Graff is plaintiffs' counsel, you are</p> <p>9 aware of that?</p> <p>10 A. Yes. 17:23:00</p> <p>11 Q. During the course of Mr. Graff's</p> <p>12 almost six to six and a half hours of</p> <p>13 testimony did you ever hear the word</p> <p>14 conspiracy come out of his mouth?</p> <p>15 A. No. 17:23:10</p> <p>16 Q. Did you ever hear him use the word</p> <p>17 conspire?</p> <p>18 A. No.</p> <p>19 Q. Let's go to the complaint and</p> <p>20 specifically the 14th cause of action which 17:23:21</p> <p>21 appears on 43. I will get to some questions</p> <p>22 in more specifics a little later, hopefully in</p> <p>23 a few minutes, but do you see paragraphs 185</p> <p>24 through 187?</p> <p>25 A. Yes. 17:23:40</p>
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<p>1 Sanchez</p> <p>2 Q. Those are the allegations</p> <p>3 concerning the allegation against you and Mr.</p> <p>4 Hesse for civil conspiracy?</p> <p>5 A. Yes. 17:23:50</p> <p>6 Q. Did Mr. Graff ask you any</p> <p>7 questions referring specifically to paragraphs</p> <p>8 185, 186 and 187?</p> <p>9 A. No.</p> <p>10 Q. Let's go to page 23 of the 17:23:59</p> <p>11 complaint in this action, the title is in the</p> <p>12 middle of the page, do you see the line in</p> <p>13 bold?</p> <p>14 A. Yes.</p> <p>15 Q. It says: Allison Sanchez 17:24:13</p> <p>16 conspires with Hesse to destroy plaintiffs'</p> <p>17 careers.</p> <p>18 Do you see that?</p> <p>19 A. Yes.</p> <p>20 Q. Did Mr. Graff ask you any 17:24:19</p> <p>21 questions concerning whether or not you</p> <p>22 destroyed the plaintiffs' careers?</p> <p>23 A. No.</p> <p>24 Q. In fact other than paragraph 100</p> <p>25 did Mr. Graff ask you any questions concerning 17:24:31</p>	<p>1 Sanchez</p> <p>2 paragraphs 99, 101, 102, 103, 104 and 105?</p> <p>3 A. No.</p> <p>4 Q. Let's just now go specifically</p> <p>5 through these paragraphs. I believe you 17:24:45</p> <p>6 testified to some of them already, one in</p> <p>7 response to Mr. Graff's question and one</p> <p>8 because you noticed that there was a mistake,</p> <p>9 for want of a better term, in paragraph 99.</p> <p>10 First part of paragraph 99 states: 17:24:56</p> <p>11 Within days of their termination Officers</p> <p>12 Fiorilli, Nofi and Lamm met with Allison</p> <p>13 Sanchez.</p> <p>14 True or not true?</p> <p>15 A. True. 17:25:10</p> <p>16 Q. Does this sentence refresh your</p> <p>17 recollection as to which of the five</p> <p>18 plaintiffs you met with on that day?</p> <p>19 A. I believe so.</p> <p>20 Q. And does this sentence refresh 17:25:21</p> <p>21 your recollection with regard to the time</p> <p>22 period after the non-rehiring of plaintiffs</p> <p>23 that you met with the three plaintiffs?</p> <p>24 A. Yes.</p> <p>25 Q. Let's look at the next clause 17:25:34</p>

<p style="text-align: right;">Page 322</p> <p>1 Sanchez</p> <p>2 after it says Allison Sanchez it then goes on</p> <p>3 to allege, the plaintiffs do, quote: The</p> <p>4 Suffolk County Civil Service official</p> <p>5 responsible for overseeing Civil Service 17:25:46</p> <p>6 compliance in Ocean Beach.</p> <p>7 Do you see that?</p> <p>8 A. No, where are you looking?</p> <p>9 Q. Second paragraph of clause 99?</p> <p>10 A. Yes. 17:25:54</p> <p>11 Q. Is that a true or untrue</p> <p>12 statement?</p> <p>13 A. Yes.</p> <p>14 Q. You are the official</p> <p>15 responsible -- 17:26:02</p> <p>16 A. Well, I am not the official</p> <p>17 official. Alan Schneider is the official.</p> <p>18 Q. That is what I was asking you.. Is</p> <p>19 this an accurate statement as it was written?</p> <p>20 A. No. 17:26:12</p> <p>21 Q. Who in your opinion and experience</p> <p>22 is the official responsible for overseeing</p> <p>23 Civil Service compliance in Ocean Beach?</p> <p>24 A. The personnel director, Alan</p> <p>25 Schneider. 17:26:19</p>	<p style="text-align: right;">Page 323</p> <p>1 Sanchez</p> <p>2 Q.. I believe you said there were two</p> <p>3 people between -- in the chain of command</p> <p>4 between you and Mr. Schneider?</p> <p>5 A. Yes. 17:26:26</p> <p>6 Q. Let's look at the last sentence:</p> <p>7 Upon information and belief Sanchez was</p> <p>8 responsible for appointing and approving the</p> <p>9 hiring of the uncertified officers at the</p> <p>10 OBPD. 17:26:41</p> <p>11 Do you see that?</p> <p>12 A. Yes.</p> <p>13 Q. Were you responsible for</p> <p>14 appointing and approving the hiring of the</p> <p>15 allegedly uncertified officers at OBPD? 17:26:51</p> <p>16 A. No.</p> <p>17 Q. Do you have an understanding as to</p> <p>18 what this sentence even means when it uses the</p> <p>19 phrase uncertified officers?</p> <p>20 A. No. 17:27:03</p> <p>21 Q. Is there such a term of art in</p> <p>22 Civil Service jargon that refers to</p> <p>23 uncertified officers?</p> <p>24 A. No.</p> <p>25 Q. Let's go to paragraph 100. I 17:27:11</p>
<p style="text-align: right;">Page 324</p> <p>1 Sanchez</p> <p>2 believe you have testified at length with</p> <p>3 regard to the lack of truthfulness with regard</p> <p>4 to this allegation. Do you recall that</p> <p>5 testimony? 17:27:25</p> <p>6 A. I do.</p> <p>7 Q. Was the testimony you gave with</p> <p>8 regard to Mr. Graff's reference to paragraph</p> <p>9 100 true and accurate when you gave it earlier</p> <p>10 this afternoon? 17:27:39</p> <p>11 A. It was.</p> <p>12 Q. Is there any reason to go over</p> <p>13 that testimony?</p> <p>14 A.. No.</p> <p>15 Q. Is there anything that you want to 17:27:42</p> <p>16 change with regard to that testimony?</p> <p>17 A. No.</p> <p>18 Q. Let's go to paragraph 101.</p> <p>19 Officers -- this is the first clause that has</p> <p>20 been alleged: Officers Fiorilli, Nofi and 17:27:52</p> <p>21 Lamm then relayed the substance of their</p> <p>22 employment experience at the OBPD.</p> <p>23 Do you see that?</p> <p>24 A. Yes.</p> <p>25 Q. Do you have an understanding as to 17:28:03</p>	<p style="text-align: right;">Page 325</p> <p>1 Sanchez</p> <p>2 what that allegation means?</p> <p>3 A. No.</p> <p>4 Q.. Did Fiorilli, Nofi and Lamm relay</p> <p>5 the substance of their employment experience 17:28:11</p> <p>6 at the OBPD when you met with them?</p> <p>7 A. No.</p> <p>8 Q. The next clause goes: Including</p> <p>9 their termination without notice or cause in</p> <p>10 retaliation for complaints regarding repeated 17:28:32</p> <p>11 instances of obstruction of justice, abuse of</p> <p>12 power and other unlawful conduct committed by</p> <p>13 or at the direction of Hesse.</p> <p>14 Do you see what I have just read?</p> <p>15 A. Yes. 17:28:48</p> <p>16 Q. Let's break this down a little</p> <p>17 bit. Did either Fiorillo, Nofi and Lamm</p> <p>18 discuss with you the fact that they believed</p> <p>19 that they were terminated in retaliation for</p> <p>20 complaints regarding repeated instances of 17:28:58</p> <p>21 obstruction of justice?</p> <p>22 A. I don't recall if that was what</p> <p>23 they were complaining about their -- the way</p> <p>24 they phrased it, their termination. But I</p> <p>25 don't recall what they said that the reason 17:29:20</p>

<p style="text-align: right;">Page 326</p> <p>1 Sanchez</p> <p>2 was. And it is likely that I don't remember</p> <p>3 because I wasn't paying attention because</p> <p>4 again to me that portion of it was irrelevant,</p> <p>5 the reason why they were not asked to return 17:29:29</p> <p>6 because I knew what the law was with regard to</p> <p>7 it and I knew that I was going to explain that</p> <p>8 to them afterwards that the reason why they</p> <p>9 were asked not to come back was not relevant.</p> <p>10 Q. And just so if the jury sees this 17:29:50</p> <p>11 videotape, can you explain to the jury why in</p> <p>12 your opinion what the reasons for their</p> <p>13 alleged termination, why they were irrelevant</p> <p>14 in your opinion?</p> <p>15 A. Because they were temporary 17:30:06</p> <p>16 employees. They were asked -- they were not</p> <p>17 being rehired, they were informed that they</p> <p>18 were not being rehired. This was not a firing</p> <p>19 and as such it didn't matter the reason that</p> <p>20 the village didn't want them there any more. 17:30:25</p> <p>21 Q. Well, you say it doesn't matter,</p> <p>22 you are referring only to the context of Civil</p> <p>23 Service Law; right?</p> <p>24 A. Right.</p> <p>25 Q. You were not referring -- 17:30:31</p>	<p style="text-align: right;">Page 327</p> <p>1 Sanchez</p> <p>2 A. We don't ask the reasons for that,</p> <p>3 and Civil Service, they don't have to hire</p> <p>4 them back. They don't have a right to the</p> <p>5 position like somebody who took a position 17:30:37</p> <p>6 that is competitive where you have Section 75</p> <p>7 rights and there is procedures as to layoffs</p> <p>8 and firings.</p> <p>9 None of that applied to them</p> <p>10 because these were not permanent positions and 17:30:48</p> <p>11 they were temporary in nature. The village</p> <p>12 doesn't even have a reason. They can have a</p> <p>13 reason or they can choose not to have a</p> <p>14 reason.</p> <p>15 Q. And that is with regard 17:30:57</p> <p>16 specifically to Civil Service Law; is that</p> <p>17 correct?</p> <p>18 A. Yes.</p> <p>19 Q. You are -- when you said you were</p> <p>20 telling them -- I believe you testified 17:31:04</p> <p>21 earlier to Mr. Graff's question that you were</p> <p>22 giving them your opinion based upon your</p> <p>23 communications with your superior as to what</p> <p>24 their rights were; right?</p> <p>25 A. Right. 17:31:14</p>
<p style="text-align: right;">Page 328</p> <p>1 Sanchez</p> <p>2 Q. And that is what their rights were</p> <p>3 with regard to Civil Service Law; right?</p> <p>4 A. Right.</p> <p>5 Q. You were not giving your opinion 17:31:21</p> <p>6 with regard to what their rights would be</p> <p>7 under the United States Constitution; right?</p> <p>8 A. No. I don't know anything about</p> <p>9 that.</p> <p>10 Q. And you were not giving your 17:31:28</p> <p>11 opinion with regard to what their rights were</p> <p>12 with regard to the New York State</p> <p>13 Constitution?</p> <p>14 A. No.</p> <p>15 Q. And you never told them that you 17:31:35</p> <p>16 were a lawyer; correct?</p> <p>17 A. No.</p> <p>18 Q. You would agree with me that the</p> <p>19 sole purpose -- well, you would agree with me</p> <p>20 that any information that you gave them during 17:31:41</p> <p>21 that conversation concerning what their rights</p> <p>22 were was solely and strictly within the</p> <p>23 context of Civil Service Law?</p> <p>24 A. Entirely.</p> <p>25 Q. Let's go to paragraph 102, 17:31:52</p>	<p style="text-align: right;">Page 329</p> <p>1 Sanchez</p> <p>2 plaintiffs allege: In response, Sanchez</p> <p>3 advised Officers Fiorilli, Nofi and Lamm that</p> <p>4 Hesse had behaved lawfully and within his</p> <p>5 authority under Civil Service Law. 17:32:12</p> <p>6 Do you see that?</p> <p>7 A. Yes.</p> <p>8 Q. And is that an accurate</p> <p>9 representation of what you said?</p> <p>10 A. Yes, and I advised them that I 17:32:20</p> <p>11 knew that because I was the one who advised</p> <p>12 him based on his inquiries as to what the law</p> <p>13 was.</p> <p>14 Q. He being Mr. Hesse?</p> <p>15 A. Correct. 17:32:30</p> <p>16 Q. Just so I understand this</p> <p>17 correctly because there may have been some</p> <p>18 confusion with some of the questions that</p> <p>19 Mr. Graff had asked you earlier today.</p> <p>20 Mr. Hesse called you up to inquire with regard 17:32:40</p> <p>21 to what the Civil Service Law obligations were</p> <p>22 with regard to any decisions he had concerning</p> <p>23 the not hiring of certain Ocean Beach seasonal</p> <p>24 police officers during that time period?</p> <p>25 A. Yes. 17:32:57</p>

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<p>1 Sanchez</p> <p>2 Q. And that is when you went to your</p> <p>3 superior to make sure that whatever advice you</p> <p>4 gave to Mr. Hesse was in compliance with Civil</p> <p>5 Service Law; right? 17:33:07</p> <p>6 A. Right.</p> <p>7 Q. And then after you spoke with your</p> <p>8 superior at some point in time, whether it was</p> <p>9 that day or the next day, you called up Mr.</p> <p>10 Hesse and you reiterated to him in sum and 17:33:15</p> <p>11 substance what your superior had reiterated to</p> <p>12 you?</p> <p>13 A. Exactly.</p> <p>14 Q. Paragraph 102: Plaintiffs then</p> <p>15 further allege, quote: And plaintiffs would 17:33:27</p> <p>16 not, quote, have a leg to stand on, close</p> <p>17 quote.</p> <p>18 Do you see that?</p> <p>19 A. Yes.</p> <p>20 Q. Did you use that phrase? 17:33:41</p> <p>21 A. I don't believe I did.</p> <p>22 Q. Is that a phrase that you commonly</p> <p>23 use?</p> <p>24 A. No. I am sure I explained that to</p> <p>25 them in a different way, but I wouldn't tell 17:33:50</p>	<p>1 Sanchez</p> <p>2 them they don't have a leg to stand on. I</p> <p>3 explained to them that they didn't have the</p> <p>4 rights that they seemed to have been under the</p> <p>5 impression that they had with regards to their 17:34:00</p> <p>6 temporary positions.</p> <p>7 Q. Now, with regard to the last part</p> <p>8 of paragraph 102 where it says quote: Raised</p> <p>9 further complaints against Hesse, close quote.</p> <p>10 Do you see that? 17:34:16</p> <p>11 A. Yes.</p> <p>12 Q. Do you recall ever telling them</p> <p>13 that they have no rights with regard to</p> <p>14 raising any further complaints against Hesse?</p> <p>15 A.. No, because I wasn't aware of if 17:34:23</p> <p>16 they wanted to complain about him.</p> <p>17 Q. Did you care whether they</p> <p>18 complained about Hesse or not?</p> <p>19 A. No. It had nothing to do with me.</p> <p>20 The only thing that applied to me was the 17:34:35</p> <p>21 Civil Service Law and how it applied to their</p> <p>22 position. If they hated George Hesse or had</p> <p>23 any other beef with him, I don't care.</p> <p>24 Q. Did you have a financial interest</p> <p>25 in whether or not Mr. Hesse remained an 17:34:47</p>
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<p>1 Sanchez</p> <p>2 employee of Ocean Beach?</p> <p>3 A. No.</p> <p>4 Q. Did you have any interest</p> <p>5 whatsoever in anything to do with Mr. Hesse in 17:34:52</p> <p>6 this time period?</p> <p>7 A. No.</p> <p>8 Q. Let's look at paragraph 103: Upon</p> <p>9 information and belief Sanchez knew that her</p> <p>10 statements to plaintiffs were false. 17:35:04</p> <p>11 Do you see that?</p> <p>12 A. I do.</p> <p>13 Q. Is that a truthful allegation?</p> <p>14 A. No.</p> <p>15 Q. Did Mr. Graff ask you about that? 17:35:15</p> <p>16 A. No.</p> <p>17 Q. Let's look at the next part of 103</p> <p>18 that: Plaintiffs reasonably believed her</p> <p>19 statements to be true.</p> <p>20 Do you see that? 17:35:27</p> <p>21 A. I do.</p> <p>22 Q. To the best of your knowledge is</p> <p>23 that a truthful statement?</p> <p>24 A. I would assume so. I know that</p> <p>25 they didn't like what I had to say and they 17:35:35</p>	<p>1 Sanchez</p> <p>2 tried to argue it. But I don't -- I didn't</p> <p>3 get the feeling that they thought that I was</p> <p>4 lying.</p> <p>5 Q. Okay, and did Mr. Graff ask you 17:35:43</p> <p>6 any questions about the plaintiffs' reasonable</p> <p>7 belief during this meeting as to anything that</p> <p>8 you said?</p> <p>9 A. No.</p> <p>10 Q. Paragraph 103 continues on, it 17:35:55</p> <p>11 says quote: And that plaintiffs likely would</p> <p>12 act in a reasonable reliance on her</p> <p>13 statements.</p> <p>14 Do you see that?</p> <p>15 A. Yes. 17:36:07</p> <p>16 Q. Did Mr. Graff ask you any</p> <p>17 questions with regard to that part of</p> <p>18 paragraph 103?</p> <p>19 A. No.</p> <p>20 Q. Do you have any basis one way or 17:36:13</p> <p>21 the other to give me an opinion on whether</p> <p>22 that aspect of the allegation is true or not?</p> <p>23 A. I don't care what they did with my</p> <p>24 statement. I told them what it was. I told</p> <p>25 them the truth, what the law was and whatever 17:36:26</p>

<p style="text-align: right;">Page 334</p> <p>1 Sanchez</p> <p>2 they choose to do with it, it doesn't matter.</p> <p>3 Q. That is fine.</p> <p>4 Let's go on paragraph 103 starting</p> <p>5 with the sentence: Moreover. Do you see 17:36:37</p> <p>6 that?</p> <p>7 A. Yes.</p> <p>8 Q. Moreover Sanchez made these false</p> <p>9 statements with an intent to deceive</p> <p>10 plaintiffs and prevent them from seeking legal 17:36:50</p> <p>11 recourse in connection with their termination.</p> <p>12 Do you see that?</p> <p>13 A. I do.</p> <p>14 Q. Let's break this down a little</p> <p>15 bit.. Did you make any false statements to any 17:37:00</p> <p>16 of the plaintiffs at this meeting?</p> <p>17 A. No.</p> <p>18 Q. Did you make any statement to any</p> <p>19 of these three plaintiffs with an intent to</p> <p>20 deceive them during this meeting? 17:37:11</p> <p>21 A. Absolutely not.</p> <p>22 Q. Did you make any statements to any</p> <p>23 of these three plaintiffs in order to prevent</p> <p>24 them from seeking legal recourse in connection</p> <p>25 with their alleged termination? 17:37:21</p>	<p style="text-align: right;">Page 335</p> <p>1 Sanchez</p> <p>2 A. No.</p> <p>3 Q. Did you care one way or the other</p> <p>4 what they did with regard to any legal</p> <p>5 recourse for their alleged termination? 17:37:27</p> <p>6 A. No. It doesn't affect me in any</p> <p>7 way.</p> <p>8 Q. Did you have anything to do with</p> <p>9 the decision not to -- withdrawn.</p> <p>10 Did you have, did you consult with 17:37:39</p> <p>11 George Hesse with regard to what officers were</p> <p>12 not going to be rehired?</p> <p>13 A. No. I didn't know until after it</p> <p>14 was done.</p> <p>15 Q. Let's look at paragraph 104: When 17:37:48</p> <p>16 officers Fiorilli, Nofi and Lamm left</p> <p>17 Sanchez's office, Sanchez immediately called</p> <p>18 Hesse and notified him of the substance of her</p> <p>19 conversation with plaintiffs.</p> <p>20 Do you see that? 17:38:07</p> <p>21 A. I do.</p> <p>22 Q. Did you do that?</p> <p>23 A. I did not do that.</p> <p>24 Q. So this allegation is false?</p> <p>25 A. It is false. 17:38:13</p>
<p style="text-align: right;">Page 336</p> <p>1 Sanchez</p> <p>2 Q.. Did Mr. Graff ask you any</p> <p>3 questions with regard to this specific</p> <p>4 allegation to the best of your recollection?</p> <p>5 A. He asked me who I called and if I 17:38:19</p> <p>6 recalled when, and my answer did not include</p> <p>7 calling George Hesse.</p> <p>8 Q. Let's look at the next clause of</p> <p>9 paragraph 104: In flagrant disregard of her</p> <p>10 promise to keep plaintiffs' conversation 17:38:36</p> <p>11 confidential.</p> <p>12 Do you see that?</p> <p>13 A. Yes.</p> <p>14 Q. Did you make any promise to any of</p> <p>15 the plaintiffs to keep their conversations 17:38:42</p> <p>16 confidential?</p> <p>17 A. I did not.</p> <p>18 Q. Now, 104, the last sentence, I am</p> <p>19 going to read it into the record: It is not</p> <p>20 surprising that Sanchez breached her promise 17:38:57</p> <p>21 to Officers Fiorilli, Nofi and Lamm as Hesse</p> <p>22 has bragged to Officer Carter about having a</p> <p>23 sexual relationship with Sanchez in the past.</p> <p>24 Do you see that?</p> <p>25 A. I see it. 17:39:12</p>	<p style="text-align: right;">Page 337</p> <p>1 Sanchez</p> <p>2 Q. Now, are you aware as to whether</p> <p>3 or not Hesse has ever bragged to Officer</p> <p>4 Carter about anything to do with you?</p> <p>5 A. No. 17:39:22</p> <p>6 Q. And just so we are clear, because</p> <p>7 I don't know if we were clear during</p> <p>8 Mr. Graff's questioning of you. Have you ever</p> <p>9 had a sexual relationship with Mr. Hesse?</p> <p>10 A. No. 17:39:29</p> <p>11 Q. Have you ever desired to have a</p> <p>12 sexual relationship with Mr. Hesse?</p> <p>13 A. No.</p> <p>14 Q. Would you ever want to have a</p> <p>15 sexual relationship with Mr. Hesse? 17:39:38</p> <p>16 A. No. And I am a lesbian which</p> <p>17 might preclude him from that pool of potential</p> <p>18 suitors anyway. So no. And I have been a</p> <p>19 lesbian long before I ever met George Hesse,</p> <p>20 and should I decide to change my mind and not 17:39:57</p> <p>21 be a lesbian George Hesse would be the last</p> <p>22 person that I would ever choose on earth that</p> <p>23 I would ever want to have a sexual</p> <p>24 relationship with.</p> <p>25 MS. ZWILLING: Don't tell me you 17:40:08</p>

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<p>1 Sanchez</p> <p>2 have more.</p> <p>3 MR. NOVIKOFF: Well, I have a</p> <p>4 little bit.</p> <p>5 Q. 105. Mr. Graff didn't ask you any 17:40:10</p> <p>6 questions about 105, did he?</p> <p>7 A. No.</p> <p>8 Q. 105 plaintiffs allege: Officer</p> <p>9 Lamm thereafter received a notice from Suffolk</p> <p>10 County Civil Service stating that he was 17:40:34</p> <p>11 quote, not qualified, close quote, to serve as</p> <p>12 a police officer despite his years of</p> <p>13 distinguished service at the OBPD.</p> <p>14 Do you see that?</p> <p>15 A. I do. 17:40:46</p> <p>16 Q. Do you have any knowledge or</p> <p>17 information concerning the allegation that</p> <p>18 Lamm thereafter received a notice from Suffolk</p> <p>19 County Civil Service stating that he was not</p> <p>20 qualified? 17:40:56</p> <p>21 A. I know nothing about that, and I</p> <p>22 don't believe that anything like that was</p> <p>23 submitted into evidence as well.</p> <p>24 Q. Now, let's go to paragraph 186</p> <p>25 which is on page 43, and again Mr. Graff 17:41:11</p>	<p>1 Sanchez</p> <p>2 didn't ask you this question so I feel</p> <p>3 compelled to ask you this question. Did you</p> <p>4 ever conspire with Mr. Hesse with regard to</p> <p>5 anything to do with violating the rights of 17:41:31</p> <p>6 the plaintiffs?</p> <p>7 A. No.</p> <p>8 Q. Did you ever engage in a</p> <p>9 conversation with Mr. Hesse where he indicated</p> <p>10 to you that it was his intent to violate the 17:41:40</p> <p>11 rights of the plaintiff?</p> <p>12 A. No. To the contrary. He called</p> <p>13 me on the telephone to ask me what the proper</p> <p>14 thing would be to do with regards to the law.</p> <p>15 Q. 186: As set forth above 17:41:57</p> <p>16 defendants Hesse and Allison Sanchez conspired</p> <p>17 to unlawfully destroy plaintiffs' careers.</p> <p>18 Do you see that?</p> <p>19 A. Yes.</p> <p>20 Q. Did you conspire with Mr. Hesse to 17:42:13</p> <p>21 unlawfully destroy plaintiffs' careers?</p> <p>22 A. No.</p> <p>23 Q. Do you care one bit with regard to</p> <p>24 plaintiffs' careers?</p> <p>25 A. I didn't even know the plaintiffs. 17:42:21</p>
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<p>1 Sanchez</p> <p>2 Q. Then paragraph 186 continues on:</p> <p>3 And shared a mutual agreement and</p> <p>4 understanding regarding their objective to do</p> <p>5 so and the manner in which the common 17:42:32</p> <p>6 objective was to be achieved and committed</p> <p>7 numerous overt acts in furtherance thereof.</p> <p>8 Do you see that?</p> <p>9 A.. I do.</p> <p>10 Q. Did you share a mutual agreement 17:42:45</p> <p>11 with Mr. Hesse concerning anything to do with</p> <p>12 the plaintiffs' careers?</p> <p>13 A. I never did.</p> <p>14 Q. Did you have an understanding with</p> <p>15 Mr. Hesse with regard to the allegation 17:42:55</p> <p>16 concerning the destruction of their careers?</p> <p>17 A. No.</p> <p>18 Q. Did you commit numerous overt acts</p> <p>19 in furtherance of the alleged objective to</p> <p>20 destroy the plaintiffs' careers? 17:43:08</p> <p>21 A. Absolutely not.</p> <p>22 Q. Do you have any idea as to why you</p> <p>23 have been hauled and dragged into this lawsuit</p> <p>24 as a defendant in your individual capacity?</p> <p>25 A. No. I mean it is all based on 17:43:18</p>	<p>1 Sanchez</p> <p>2 fabricated lies. I would imagine people cross</p> <p>3 their fingers and hope that somebody believes</p> <p>4 their lies and try to get some money.</p> <p>5 Q. Well -- 17:43:34</p> <p>6 A. I don't know, I suppose they can't</p> <p>7 imagine the fact that somebody wouldn't want</p> <p>8 them and have to come up with some fabricated</p> <p>9 story as to why not. I don't have any role in</p> <p>10 this, I have absolutely no idea. 17:43:44</p> <p>11 Q. Well, I thank you very much for</p> <p>12 your time and your patience in this matter,</p> <p>13 and I hope that this is the last time that I</p> <p>14 have to see you or hear about you in this case</p> <p>15 because it is my sincerest hope that someone 17:43:58</p> <p>16 would withdraw your name as a defendant in</p> <p>17 this matter.</p> <p>18 MR. GRAFF: Ms. Sanchez, just one</p> <p>19 very brief follow up on something from</p> <p>20 your response to Mr. Novikoff. 17:44:09</p> <p>21 EXAMINATION BY</p> <p>22 MR. GRAFF:</p> <p>23 Q. When you testified that Hesse</p> <p>24 would be the last person on earth that you</p> <p>25 would want to have a sexual relationship with, 17:44:16</p>

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<p>1 Sanchez</p> <p>2 did you mean anything, was there any</p> <p>3 particular reason why you made that statement?</p> <p>4 A. I find him highly unattractive.</p> <p>5 Q. I have nothing further. 17:44:32</p> <p>6 A. Which includes the fact that he is</p> <p>7 a man.</p> <p>8 Q. Okay.. Are you done with your</p> <p>9 response?</p> <p>10 A. Yes. 17:44:41</p> <p>11 MR. CONNOLLY: I have no</p> <p>12 questions.</p> <p>13 MR. GRAFF: This deposition is</p> <p>14 adjourned.</p> <p>15 THE VIDEOGRAPHER: The time is 17:44:47</p> <p>16 5:44, we are off the record.</p> <p>17 (Time noted: 5:44 p.m.)</p> <p>18</p> <p>19 <u>ALLISON SANCHEZ</u></p> <p>20</p> <p>21 Subscribed and sworn to before me</p> <p>22 this ____ day of _____, 2009</p> <p>23</p> <p>24 _____</p> <p>25</p>	<p>1</p> <p>2 C E R T I F I C A T E</p> <p>3 STATE OF NEW YORK)</p> <p>4 : ss.</p> <p>5 County OF NEW YORK)</p> <p>6</p> <p>7 I, Philip Rizzuti, a Notary Public</p> <p>8 within and for the State of New York, do</p> <p>9 hereby certify:</p> <p>10 That ALLISON SANCHEZ, the witness</p> <p>11 whose deposition is hereinbefore set forth,</p> <p>12 was duly sworn by me and that such deposition</p> <p>13 is a true record of the testimony given by</p> <p>14 the witness.</p> <p>15 I further certify that I am not</p> <p>16 related to any of the parties to this action</p> <p>17 by blood or marriage, and that I am in no way</p> <p>18 interested in the outcome of this matter.</p> <p>19 IN WITNESS WHEREOF, I have</p> <p>20 hereunto set my hand this 2nd day of</p> <p>21 March, 2009.</p> <p>22</p> <p>23 <u>PHILIP RIZZUTI</u></p> <p>24</p> <p>25</p>
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<p>1</p> <p>2 ----- I N D E X -----</p> <p>3 WITNESS EXAMINATION BY PAGE</p> <p>4 ALLISON SANCHEZ Mr. Graff 8, 341</p> <p>5 Mr. Novikoff 318</p> <p>6</p> <p>7 ----- INFORMATION REQUESTS -----</p> <p>8 DIRECTIONS: 18, 30, 35, 44, 92, 123, 163,</p> <p>9 257, 262, 287</p> <p>10</p> <p>11 REQUESTS: 147, 210, 261</p> <p>12</p> <p>13 ----- EXHIBITS -----</p> <p>14 Sanchez Exhibit 1, Civil Service 6</p> <p>15 HR Organization Chart,</p> <p>16 Sanchez Exhibit 2, document 6</p> <p>17 headed police officer,</p> <p>18 Sanchez Exhibit 3, document 6</p> <p>19 headed Sergeant (Police:Towns</p> <p>20 and Villages),</p> <p>21 Sanchez Exhibit 4, document 6</p> <p>22 headed police officer, part-time</p> <p>23 seasonal,</p> <p>24 Sanchez Exhibit 5, one-page 157</p> <p>25 document, Bates number 005769,</p>	<p>1</p> <p>2 Sanchez Exhibit 6, one-page 171</p> <p>3 document without Bates number,</p> <p>4 Sanchez Exhibit 7, one-page 176</p> <p>5 document bearing Bates number</p> <p>6 005916,</p> <p>7 Sanchez Exhibit 8, one-page 184</p> <p>8 document bearing Bates number</p> <p>9 003847,</p> <p>10 Sanchez Exhibit 9, two-page 187</p> <p>11 document, 000270 through 271,</p> <p>12 Sanchez Exhibit 10, document 191</p> <p>13 bearing Bates number 003911,</p> <p>14 Sanchez Exhibit 11, one-page 199</p> <p>15 document, Bates number 5915,</p> <p>16 Sanchez Exhibit 12, one-page 203</p> <p>17 document without Bates number,</p> <p>18 Sanchez Exhibit 13, document 220</p> <p>19 numbered 002670,</p> <p>20 Sanchez Exhibit 14, report of 221</p> <p>21 personal changes,</p> <p>22 Sanchez Exhibit 15, complaint, 263</p> <p>23 Sanchez Exhibit 16, multipage 268</p> <p>24 document bearing Bates numbers</p> <p>25 2652 through 2658,</p>

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<p>1</p> <p>2 Sanchez Exhibit 17, two-page 269</p> <p>3 document bearing Bates numbers</p> <p>4 233 and 234,</p> <p>5 Sanchez Exhibit 18, one-page 280</p> <p>6 document bearing Bates number P</p> <p>7 602,</p> <p>8 Sanchez Exhibit 19, three-page 289</p> <p>9 document bearing Bates numbers</p> <p>10 264 to 266,</p> <p>11 Sanchez Exhibit 20, letter dated 298</p> <p>12 August 23, 2004,</p> <p>13 Sanchez Exhibit 21, one-page 301</p> <p>14 document without Bates number,</p> <p>15 Sanchez Exhibit 22, one-page 303</p> <p>16 document bearing Bates P 543,</p> <p>17 Sanchez Exhibit 23, four-page 305</p> <p>18 document, Bates P 373 to 376,</p> <p>19 Sanchez Exhibit 24, letter dated 306</p> <p>20 February 23, 2006,</p> <p>21 Sanchez Exhibit 25, two-page 306</p> <p>22 list,</p> <p>23 Sanchez Exhibit 26, three-page 313</p> <p>24 document, Bates numbers 10185</p> <p>25 through 10187,</p>	<p>1</p> <p>2 Sanchez Exhibit 27, report of 313</p> <p>3 personnel changes,</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
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<p>1</p> <p>2 *** ERRATA SHEET ***</p> <p>3 NAME OF CASE: CARTER VS. OCEAN BEACH</p> <p>4 DATE OF DEPOSITION: February 18, 2009</p> <p>5 NAME OF WITNESS: ALLISON SANCHEZ</p> <p>6 PAGE LINE FROM TO</p> <p>7 _____</p> <p>8 _____</p> <p>9 _____</p> <p>10 _____</p> <p>11 _____</p> <p>12 _____</p> <p>13 _____</p> <p>14 _____</p> <p>15 _____</p> <p>16 _____</p> <p>17 _____</p> <p>18 _____</p> <p>19</p> <p>20</p> <p>21 _____</p> <p>22 ALLISON SANCHEZ</p> <p>23 Subscribed and sworn to before me</p> <p>24 this ____ day of _____, 2009.</p> <p>25 _____</p> <p>(Notary Public) My Commission Expires:</p>	

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